

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

UNITED STATES OF AMERICA : VOLUME II  
:   
vs. :   
:   
DYLANN STORM ROOF : 2:15 - CR - 472

Trial continues in the above matter on Thursday,  
December 8, 2016, commencing at 9:41 a.m., before the  
Hon. Richard M. Gergel, in the United States Courthouse,  
Courtroom VI, 85 Broad St., Charleston, South Carolina,  
29401.

APPEARED ON BEHALF OF THE UNITED STATES:

JAY N. RICHARDSON, ESQ., 1441 Main St., Columbia, SC.

NATHAN WILLIAMS, ESQ., P.O. Box 978, Charleston, SC.

STEPHEN J. CURRAN, ESQ., 601 D Street, NW, Washington, DC.

APPEARED ON BEHALF OF THE DEFENSE:

DAVID I. BRUCK, ESQ., Washington & Lee School of Law,  
Lexington, VA.

KIMBERLY C. STEVENS, ESQ., 1070-1 Tunnel Rd., Asheville, NC.

EMILY PAAVOLA, ESQ., 900 Elmwood Ave., Columbia, SC.

REPORTED BY DEBRA L. POTOCKI, RMR, RDR, CRR  
Official Court Reporter for the U.S. District Court  
P.O. Box 835  
Charleston, SC 29402  
843/723-2208

## I N D E X

WITNESS: DANIEL ENGLISH

Direct Examination by Mr. Williams..... 216

WITNESS: JAMES TALLON

Direct Examination by Mr. Williams..... 249

WITNESS: BRITTANY BURKE

Direct Examination by Mr. Williams..... 279

WITNESS: KEON GORDON

Direct Examination by Mr. Curran..... 357

WITNESS: BRIAN WOMBLE

Direct Examination by Mr. Williams..... 377

WITNESS: DANIEL BERNAT

Direct Examination by Mr. Williams..... 387

Cross-Examination by Ms. Stevens..... 400

WITNESS: MICHAEL MYERS

Direct Examination by Mr. Williams..... 410

Cross-Examination by Ms. Stevens..... 423

	EXHIBITS:	<u>Received in Evidence</u>
1		
2	Government Exhibits 104	236
	Government Exhibits 23A - 23V	240
3	Government Exhibits 26 - 35	299
	Government Exhibits 87 - 90	304
4	Government Exhibit 49	306
	Government Exhibit 48	325
5	Government Exhibits 36 and 38	327
	Government Exhibit 37	329
6	Government Exhibit 39	329
	Government Exhibits 50, 51, 52	331
7	Government Exhibits 53 and 54	332
	Government Exhibit 55	333
8	Government Exhibits 40 and 46	335
	Government Exhibits 56 and 57	339
9	Government Exhibits 59 and 59A	340
	Government Exhibit 98	343
10	Government Exhibit 58	343
	Government Exhibits 60 - 62	345
11	Government Exhibits 63, 64, 73 - 76	347
	Government Exhibits 80 - 86	349
12	Government Exhibits 91 - 95	352
	Government Exhibit 97	356
13	Government Exhibit 99	370
	Government Exhibit 100	373
14	Government Exhibit 101	375
	Government Exhibit 102	376
15	Government Exhibit 105	392
	Government Exhibit 106	416

16

17

18

19

20

21

22

23

24

25

9:41:05AM 1 (Jury not present.)

9:41:24AM 2 THE COURT: I received this morning a motion for a  
3 mistrial by the defense. Has the Government had a chance to  
4 review that?

9:41:35AM 5 MR. RICHARDSON: We have had a chance to review it  
6 briefly this morning and happy to respond to it now.

9:41:41AM 7 THE COURT: That would be welcome. Thank you, sir.

9:41:43AM 8 MR. RICHARDSON: Thank you, Your Honor.

9:41:45AM 9 The motion, as the Court is aware, in essence, reargues  
10 the objection made after the fact to Miss Sanders' testimony  
11 yesterday, and suggests a number of ways that it was  
12 problematic. We do not believe it was at all problematic, as  
13 an initial matter, and we think it is accurate and  
14 appropriate.

9:42:06AM15 And a couple of things I think are worth pointing out in  
16 that context. Unlike all the cases and references that the  
17 defense makes, this was an eyewitness survivor, not a family  
18 member who had no personal knowledge of the events, who is  
19 describing what she felt, heard and saw in the room as this  
20 vicious assault took place. And I won't read the entirety of  
21 the provision --

9:42:34AM22 THE COURT: I've read it. It's a clear comment on  
23 what she had just observed, not a comment on his -- him as a  
24 person. That particular one during the Government's  
25 questioning.

9:42:48AM 1 MR. RICHARDSON: Correct, Your Honor. And I think in  
2 the context in which it was given, I think it was very clear  
3 she's describing laying on the ground as the shots are ringing  
4 out, and describing what she felt when she was there.

9:43:00AM 5 THE COURT: Seems to me it's relevant to malice, it's  
6 relevant to a hate crime, it is relevant to the -- she makes a  
7 reference of being in the house of God, she -- it's relevant  
8 to the obstruction of religion.

9:43:13AM 9 MR. RICHARDSON: I think all of that is exactly  
10 correct, Your Honor. We don't think this idea of pain and the  
11 reference there is at all applicable in a case such as this  
12 where you have an eyewitness. Miss Sanders, to be clear, she  
13 is going to provide victim impact testimony.

9:43:29AM 14 THE COURT: And it shouldn't be done in the guilt  
15 phase, we all agree with that.

9:43:35AM 16 MR. RICHARDSON: Absolutely. At an appropriate time,  
17 she is going to do that. That was not this testimony. This  
18 is testimony that's describing what occurred, what she  
19 witnessed, what she felt. And we think that is entirely  
20 appropriate in the context.

9:43:49AM 21 I also think it's worth adding two additional points. I  
22 think that resolves the issue, but just for the record's sake,  
23 one, I think it's readily apparent from the defense motion  
24 where they make reference, they made a strategic choice to not  
25 object.

9:44:05AM 1 THE COURT: Well, let's go back, a couple things  
2 about that. First of all, there's this statement that jumbled  
3 within the motion is a fact that an event which occurred after  
4 opening argument, out of court, which is apparently the  
5 defendant's mother had a health issue which was before lunch,  
6 and this was after lunch. And secondly, the claim that it was  
7 because of the emotion of that response that led to the  
8 recess, that was actually after another question, so that at  
9 the moment, Mr. Richardson, you asked that question, the  
10 defendant's objection was already untimely.

9:44:51AM11 MR. RICHARDSON: Correct.

9:44:52AM12 THE COURT: It was already untimely. And there's a  
13 reason we have this rule. It's not a -- not like a casual,  
14 you know, happenstance rule, it's very important for the  
15 orderly function of trial; the Fourth Circuit has repeatedly  
16 held that. You can't have this after-the-fact situation.  
17 Now, I think Mr. Bruck wanted to avoid angering the jury.  
18 Well, that's just -- I told the jury in the beginning, don't  
19 get angry at people for making objections, that's part of --  
20 I'm going to tell them that in the closing. This is the  
21 lawyer's job. But you've got to do it timely.

9:45:30AM22 Anything else? You said there was a third point.

9:45:32AM23 MR. RICHARDSON: There is, Your Honor. We do think  
24 that it's appropriate, and I can't recall off the top of my  
25 head, we don't think this was a comment on what the sentence

1 ought to be.

9:45:42AM 2 THE COURT: Let me say this. I think the second  
3 comment, which Mr. Bruck elicited, okay, he elicited that.  
4 And he did it three times. I have the transcript, I re-read  
5 it, I remembered it, I had it in my notes, I went back and  
6 re-read it. He -- I mean, I'm going to give -- I have the  
7 greatest respect for Mr. Bruck, I appointed him in this case,  
8 I've known him for years, I still have a great respect for  
9 him. But I have the impression when he did it, he was trying  
10 to produce a mistrial, and I anticipated a motion this  
11 morning. That's frankly how I saw it, he did not make a  
12 timely objection, which was -- then it's waived. I think it's  
13 close enough to a family comment that I need to instruct the  
14 jury to disregard any family comments about the appropriate  
15 punishment, that shouldn't be -- certainly not relevant in the  
16 guilt phase, and not proper, you know, in the sentencing phase  
17 as to the appropriate punishment.

9:46:43AM 18 MR. RICHARDSON: Your Honor, I think one thing. To  
19 be very clear, she did not comment on what the appropriate  
20 punishment was, although I think from implication --

9:46:50AM 21 THE COURT: You can read it that way. I don't think  
22 she intended either, but I think as a protection, we have a  
23 defendant on trial for his life, I think we bend everything in  
24 a way to be as fair as possible. And I would just propose to,  
25 number one, those three -- those questions and the responses,

1 I'm going to ask Mr. Bruck if he wants me to, I'll strike  
2 them, but there is questions, and I'm not sure he wants to.

9:47:17AM 3 MR. RICHARDSON: Your Honor, I do not believe that  
4 the Court can or should strike them at this point. He asked  
5 the questions, he got the answers, he did not timely move to  
6 strike them. I do not think the Court can, at this point,  
7 after the fact, go back and strike those answers, which  
8 themselves were entirely appropriate. I think that sends a  
9 message to the jury that the Court has issued a ruling that's  
10 not accurate or fair. I think Miss Sanders --

9:47:43AM 11 THE COURT: Well, you know, family members should not  
12 comment on the punishment, right?

9:47:50AM 13 MR. RICHARDSON: And she was not commenting on the  
14 punishment, is what she was describing is if he kills himself,  
15 where he was going. That is also where he's going if he dies  
16 of natural causes or the State does it.

9:48:03AM 17 THE COURT: Yeah, you know, I just -- I think I  
18 frankly, number one, I agree with you on all that, it's just  
19 how do we -- what is the most cautious approach we can take.  
20 And I think just simply just telling the jury to disregard any  
21 comments from family members regarding appropriate punishment,  
22 that is their decision to make.

9:48:28AM 23 MR. RICHARDSON: Your Honor, we think that is -- we  
24 do not think it's appropriate at this juncture to do that.

9:48:33AM 25 THE COURT: I can do it in my closing charge.



9:48:35AM 1 MR. RICHARDSON: To single out this particular  
2 testimony or this particular issue, we think it's part of a  
3 charge, the Court ought to include the idea, which is  
4 appropriate in every case, that the ultimate question, this is  
5 true in every criminal case, every civil case, every death  
6 penalty case, the ultimate question, that being guilt or not  
7 guilt, death or not death, is a question for the jury, to be  
8 decided on the facts, and it's not the opinion of the lawyers,  
9 the judge, the victims, the defendant's family or anybody else  
10 but theirs. We think that is an appropriate instruction.

9:49:12AM 11 THE COURT: By the way, that is going to be an  
12 instruction. We already got -- the question is, do we need  
13 another instruction now.

9:49:19AM 14 MR. RICHARDSON: We certainly do not think that we  
15 do, particularly in light of what the Court is going to  
16 provide that instruction. Had they made a timely objection,  
17 had they asked for a curative instruction at that moment, then  
18 that's one thing. But I think to redraw attention to that at  
19 this point and suggest, by doing so, that there was something  
20 improper when there was not anything improper by her  
21 testimony, we think is not appropriate and not --

9:49:43AM 22 THE COURT: Let's look -- I hear what you're saying.  
23 Let me just walk through this for a second. Let's take each  
24 of these sentences and see if -- where we are in -- I had --  
25 in light of what you've just argued. Mr. Bruck asked the

1 question, "Do you remember the man who did this saying  
2 something about that he was only 21...?"

9:50:04AM 3 Now, first of all, that is not relevant to guilt phase,  
4 that he's 21 years old is not relevant in the guilt phase.  
5 "...and then talking about what he was going to do  
6 afterwards?" Not relevant in the guilt phase. "Yes," she  
7 answered. "Question: Could you tell me what he said"? He  
8 said he was going to kill himself. And I was counting on  
9 that. He's evil. There's no place on earth for him except  
10 the pit of hell."

9:50:34AM 11 Now, Mr. Bruck interprets that as a recommendation  
12 regarding sentencing. I took it that she was making a  
13 religious comment, not a sentencing comment. I don't think  
14 that this is really Miss Sanders' world, this sentencing  
15 world, it's the religious. That's how I took it when she said  
16 it.

9:50:56AM 17 Then Mr. Bruck persisted. "He said that he was 21? And  
18 that he was going to kill himself when he was finished?  
19 Answer: Send himself back to the pit of hell, I say." Again,  
20 Mr. Bruck persisted. "Did -- he didn't say that though.  
21 About hell. He just was going to kill himself? Answer:  
22 That's where he would go, to hell."

9:51:32AM 23 Now, you know, I just -- you know, you wouldn't let well  
24 enough alone, Mr. Bruck, just kept persisting on this issue.

9:51:45AM 25 MR. BRUCK: May I be heard?

9:51:50AM 1 THE COURT: You certainly can be heard, that's why  
2 I'm going to turn to you right now. Yes, sir.

9:51:50AM 3 MR. BRUCK: First of all, if I had done this for  
4 anything to provoke a mistrial, the Court's respect for me  
5 would be misplaced. That is not what I was doing. I --

9:51:59AM 6 THE COURT: It looked that way, Mr. Bruck, to me.

9:52:02AM 7 MR. BRUCK: I was holding in my hand a verbatim  
8 transcript of an interview with law enforcement and the  
9 solicitor, with Mrs. Sanders, for whom I have the greatest  
10 respect. This was two weeks after the event. And she simply  
11 narrated that the defendant said, I am 21 years old, and when  
12 I am finished, I am going to kill myself. That was a fact  
13 that was relevant to his state of mind, it was relevant to  
14 complete the setting.

9:52:29AM15 THE COURT: Why is it relevant to his guilt? Because  
16 that's -- that goes to -- I mean, it's clearly mitigation  
17 evidence, you and I would agree that's -- his age is  
18 mitigation evidence.

9:52:40AM19 MR. BRUCK: It wasn't his age, it was his state of  
20 mind about the fact that he --

9:52:44AM21 THE COURT: You asked about the age, that's a  
22 mitigation fact.

9:52:48AM23 MR. BRUCK: The age was simply a lead in to a very  
24 short statement.

9:52:51AM25 THE COURT: You were getting in mitigation evidence,

1 I'm sorry, that's what you were asking about, and then you  
2 wanted to get in that he was planning to commit suicide.  
3 That's not an element of the crime, it's not a defense to the  
4 crime, the 33 counts he has. It's not relevant.

9:53:07AM 5 MR. BRUCK: It is relevant to his overall state of  
6 mind. The prosecution --

9:53:12AM 7 THE COURT: State of mind about what? How -- you  
8 know, that's looking like that evidence where you know we have  
9 a very narrow window of psychological evidence when there is  
10 not -- when the defendant is not insane, doesn't claim to be  
11 insane and he is legally competent. It's a very narrow window  
12 which this doesn't come remotely close to. It would not be  
13 relevant in the case. You raised it. Of course I don't know  
14 what's coming, Mr. Bruck, I haven't read these 302s, I don't  
15 have access to that. And then you asked it three times. I  
16 mean, I was looking at you, you saw me looking at you, I was a  
17 little perplexed by it myself, frankly.

9:53:49AM 18 MR. BRUCK: There was no unsaying the first one. I  
19 was hoping that she would simply relate what he said.

9:53:54AM 20 THE COURT: You know, if you had turned to me and  
21 said objection, I would have given a curative instruction  
22 right that moment. I would have done it. But then you  
23 persisted. And you saw me looking at you, I looked at you  
24 when you did that. You know that. And because I just  
25 couldn't believe you were persisting in that. And that's

1 where I thought I'm going to see a mistrial motion. And I  
2 came in this morning and my clerks told me, and I smiled  
3 because I saw it coming.

9:54:24AM 4 MR. BRUCK: The motion would have been the same  
5 whether it was said one, two, three times. That made very  
6 little difference.

9:54:29AM 7 THE COURT: I don't think you can elicit this kind of  
8 information, prompt the witness to say something, and then  
9 complain that she answered the question.

9:54:41AM 10 MR. BRUCK: She did not answer the question is the  
11 problem. That is exactly the basis of our -- the question was  
12 what did he say. And the answer was, he said that he was 21,  
13 and when this was done, he was going to kill himself. Now, to  
14 say that I elicited her opinion about his going to hell is  
15 just not true.

9:55:03AM 16 THE COURT: Let me tell you this. The second and  
17 third one, you certainly did. And, you know, all of us have  
18 cross-examined challenging witnesses, right? I mean, we've  
19 all had this experience. And sometimes, you know, you get --  
20 you open up doors you don't intend to open. That's always,  
21 you know, a way you're trading. I understand what you're  
22 saying, Mr. Bruck, but now the only question is, my plan  
23 always was to tell the jury at sentencing that this issue is  
24 not mine, it's not the lawyers', it's not the families',  
25 it's -- either family -- sentencing is their decision. Is

1 there any more that I need to do now?

9:55:56AM 2 MR. BRUCK: Yes.

9:55:56AM 3 THE COURT: What do you want me to do now?

9:55:59AM 4 MR. BRUCK: I would like the Court to give exactly  
5 the instruction that you proposed to give, and to -- prior to  
6 Mr. Richardson's argument. I think the Court should instruct  
7 the jury that to the extent that the witness --

9:56:13AM 8 THE COURT: Could be interpreted.

9:56:15AM 9 MR. BRUCK: -- could be interpreted as expressing an  
10 opinion about what should happen to the defendant, or  
11 expressing an opinion about the defendant. Booth versus  
12 Maryland covers both of those. In Booth, and that's the part  
13 that was not overruled --

9:56:29AM 14 THE COURT: Let me do this. I did not think the  
15 first comment which she made on direct was a comment on him,  
16 it was his conduct, and she was describing his conduct. It  
17 culminated a description of events. And she was describing  
18 it, I thought, quite -- you know, quite reasonably under these  
19 very difficult circumstances. So that one, I'm not worried  
20 about. It's -- the only comment is, does one infer from the  
21 information, from the responses you personally elicited, that  
22 something else needs to be said. I tend to err on the side of  
23 caution in these things, that's just my style of presiding in  
24 a criminal case, is that I tend -- I don't think it's any  
25 great harm to give an instruction which is in accord with the

1 law. I don't intend to comment on the evidence,  
2 Mr. Richardson, I just think I should say I want to instruct  
3 the jury that the sentencing decision is always a decision of  
4 the jury, it's not the decision of anyone else, and anyone who  
5 comments about it, they should disregard that because it's  
6 their decision.

9:57:39AM 7 MR. BRUCK: We also request that the statements be  
8 stricken as the Court --

9:57:44AM 9 THE COURT: You know, it's just kind of funny,  
10 because you elicited it.

9:57:49AM 11 MR. BRUCK: I understand that, Your Honor. I did not  
12 elicit the initial response except in the technical sense that  
13 it was an answer, an unforeseeable answer to a very simple  
14 factual inquiry about what the defendant said, that she had  
15 already, in a recorded statement, told law enforcement about.  
16 I mean, that's what cross-examination is for, that was a very  
17 reasonable inquiry, and no one could have predicted that the  
18 gates of hell would open in response to that question.

9:58:15AM 19 THE COURT: You asked it twice more. That's the --  
20 that's the --

9:58:19AM 21 MR. RICHARDSON: Your Honor?

9:58:20AM 22 THE COURT: Yes.

9:58:20AM 23 MR. RICHARDSON: I don't think it was all  
24 unforeseeable, in light of her testimony that had come before.  
25 I don't think that's a fair characterization.

9:58:27AM 1 Second, counsel had an obligation, if he believed there  
2 was a problem, to object to the answer and move to strike in a  
3 timely manner.

9:58:39AM 4 THE COURT: Mr. Richardson, there's always an issue  
5 of plain error review, even on a waived objection, right? So  
6 we want to --

9:58:47AM 7 MR. RICHARDSON: I agree. That's the third point.  
8 It's not error, Your Honor, because she is not commenting on  
9 what the appropriate sentence is, she is saying, as I  
10 indicated before, no matter when or how he dies, that is where  
11 he is going.

9:59:01AM12 THE COURT: Yeah.

9:59:02AM13 MR. RICHARDSON: That's a different point than a  
14 suggestion of instructing this jury what verdict it should  
15 reach.

9:59:08AM16 MR. BRUCK: If I may?

9:59:10AM17 THE COURT: Sure.

9:59:11AM18 MR. BRUCK: One other thing I'd like to -- I mean,  
19 this may recur, Your Honor, and I -- I mean, it's not going to  
20 be recurring exactly the same way.

9:59:21AM21 THE COURT: I would urge you not to ask questions  
22 that cause it to recur yourself.

9:59:25AM23 MR. BRUCK: All I'm saying --

9:59:26AM24 THE COURT: Mr. Richardson is aware of the problem,  
25 we're all aware of it, this is a very emotionally fraught



1 situation. One of the important things is for all of us to  
2 remain calm, because we have enough emotion and tragedy in  
3 this case for everyone. Right?

9:59:41AM 4 MR. BRUCK: That gets me to my point, Your Honor.  
5 And I mean, it was the very admiration that I personally, and  
6 I think by the time she was done, everyone in this courtroom  
7 feels for Mrs. Sanders, that made this such a difficult  
8 problem. This witness was an inspirational figure yesterday  
9 and has been for the entire time since this awful event befell  
10 this community and befell her town. And under those  
11 circumstances, we have to rely on the Court in the end to  
12 assure the fairness of the proceedings. Yes, I could have  
13 responded in a lawyerly fashion.

10:00:28AM 14 THE COURT: You -- Let me --

10:00:31AM 15 MR. BRUCK: I should have, but --

10:00:32AM 16 THE COURT: I can't change the rules. You know, one  
17 of the things I keep saying to y'all is just because it's a  
18 capital case, we don't change our rules. Rule 103 is our  
19 rule. Timely objections. You have got to make it. All of us  
20 sitting in the pit where you guys are now, and I did for over  
21 a hundred trials, you have to sit there and you have to make a  
22 judgment. And sometimes you don't make the objection because  
23 you worry about jury reaction. It's just one of the things  
24 you do. But we can't change that rule. It is unmanageable to  
25 not deal with it at the time.

10:01:09AM 1 MR. BRUCK: I'm not --

10:01:10AM 2 THE COURT: And I thought it was a strategic call on  
3 your part. And I can't have you second guessing your strategy  
4 and coming back later and then -- it makes the trial  
5 unmanageable.

10:01:20AM 6 MR. BRUCK: I need to be able to finish, if I may.

10:01:23AM 7 THE COURT: You may, sir.

10:01:24AM 8 MR. BRUCK: Thank you.

10:01:26AM 9 I'm not asking the rules to be changed. Part of our  
10 motion asks for prospective relief. I don't know that  
11 anything like this will happen again, but as the Court has  
12 often remarked, Your Honor is the only participant in this  
13 trial who does not have a side. And that gives you an ability  
14 to intervene in an emotionally fraught situation without harm  
15 to anyone, including to the Court. And I am simply -- I am  
16 not asking you to repeal the rules, I am not asking you to  
17 give me any special dispensation. I am asking you to  
18 acknowledge the reality of the situation we were in, and may  
19 be in again, and if that situation should recur, I am asking  
20 the Court to take sua sponte action without the necessity of  
21 our having to object. I'm not asking you to fashion a rule,  
22 I'm not asking you to tell me now that you're going to do  
23 that, or to do it or to say anything that I can rely on.

10:02:32AM 24 Your Honor, this courthouse is named for Judge Waring,  
25 largely due to Your Honor's efforts. We revered Judge Waring

1 and revered his memory, not because he did right but because  
2 he did right when it was hard. What I am asking you is hard,  
3 but we think that it is right, and we are asking you to take  
4 an active role in ensuring the fairness of these very  
5 challenging and fraught proceedings.

10:03:07AM 6 THE COURT: See, Mr. Bruck, here's one of the sort of  
7 complicated issues and why the courts do not traditionally do  
8 this. You may have your own strategic reason you don't want  
9 to object. You may want a piece of evidence in. I don't know  
10 that. And people make those strategic calls all the time.  
11 And if I step in, I'm stepping out of my role as the neutral  
12 presider, and I may be inadvertently injuring your case by  
13 doing that, because I think you should object about some  
14 evidence. I don't do that, because I appointed what I  
15 regarded as one of the top lawyers in America in this field to  
16 handle this client, represent his client. I can't do that for  
17 you. I can't be that person, because I don't know what's  
18 going on regarding your strategy. So I respectfully decline  
19 to assume this role to sort of be the back-up to the defense.  
20 That's not my role to do that.

10:04:12AM 21 And I was -- you know, so let me just sort of review where  
22 I think we are. We need to step back, because we have a jury  
23 waiting and we need to proceed.

10:04:21AM 24 I find both objections untimely, and that alone will be  
25 the basis in which to deny them. If the first objection

1 otherwise had been timely raised, I would have denied it as I  
2 did at the time, because I thought it was a fair comment on  
3 the conduct and not on the individual.

10:04:42AM 4 The second comment is -- it can be read, inferred, it's  
5 not stated, that it might be a comment on sentencing. I  
6 personally didn't think, listening to it in real time or in  
7 reading it here, that it was an actually intended comment on  
8 that.

10:05:02AM 9 But out of an abundance of caution, I'm prepared to tell  
10 the jury, without referring to it, I'm not going to strike it,  
11 because I have trouble striking that the defense counsel  
12 elicited three times, but I will instruct the jury simply that  
13 this -- I want to remind them that the sentencing decision is  
14 always theirs, and it's not the responsibility of any of the  
15 parties or any of the witnesses or the Court, it's theirs.  
16 That's what I intend to do.

10:05:37AM 17 MR. RICHARDSON: Can I just add one thing?

10:05:38AM 18 THE COURT: You may. Welcome it.

10:05:40AM 19 MR. RICHARDSON: Thank you. Instead of just  
20 referencing the sentencing decision, we think it applies to  
21 the guilt and sentencing decision. And just in that same vein  
22 of not singling out any one group, we think, as the Court did  
23 with respect to demeanor, referring it's not the judge, it's  
24 not the attorneys, it's not any of the witnesses, it is yours.  
25 Right? I don't think there's a reason to single out any one

1 group here. I think referring to the Court, to the attorneys  
2 and to the witnesses is an appropriate way of handling that,  
3 Your Honor.

10:06:17AM 4 MR. BRUCK: Your Honor, we don't think that making it  
5 so general, the jury will not even realize what it is you're  
6 talking about is going to be adequate. We also don't think it  
7 is adequate to fail to strike the testimony.

10:06:29AM 8 THE COURT: Okay. I deny the motion to strike. I  
9 think under the circumstances it's not necessary, and it's  
10 untimely in any regard.

10:06:37AM11 Let me think for just a moment here.

10:07:37AM12 (Pause.)

10:07:48AM13 THE COURT: Very good. Bring in the jury.

10:08:43AM14 (Jury present.)

10:09:08AM15 THE COURT: Good morning. You look more rested than  
16 yesterday. This is hard work, right? I'm going to first of  
17 all, every one of you has been incredibly attentive and I want  
18 to thank you for that. The parties thank you for that. And,  
19 you know, this is a lot harder work than it looks. And I  
20 think y'all have just undertaken this with such great  
21 seriousness, and the Court greatly appreciates that.

10:09:35AM22 I want to make a brief instruction to y'all, if I might.  
23 Ladies and gentlemen of the jury, I want to remind you that  
24 the decisions this jury must make, whether the defendant is  
25 guilty or not guilty, and if we come to a sentencing phase,

## DANIEL ENGLISH - DIRECT EXAMINATION

1 the appropriate sentence, is always your decision to make. It  
2 is not the decision of this Court or the attorneys or the  
3 witnesses. It always will be yours.

10:10:02AM 4 With that, call your next witness.

10:10:04AM 5 MR. WILLIAMS: Thank you, Your Honor, Government  
6 calls Dan English.

10:10:16AM 7 THE CLERK: State your full name for the record,  
8 please.

10:10:17AM 9 A. Daniel English.

10:10:19AM 10 DANIEL ENGLISH, a witness called by the Government, first  
11 having been duly sworn, testified as follows:

10:10:25AM 12 DIRECT EXAMINATION

10:10:25AM 13 BY MR. WILLIAMS:

10:10:36AM 14 Q. Morning.

10:10:37AM 15 A. Good morning.

10:10:38AM 16 Q. Can you tell the jurors where you work?

10:10:40AM 17 A. Charleston police department.

10:10:41AM 18 Q. What do you do for the police department?

10:10:43AM 19 A. Currently I'm the sergeant in the patrol division in West  
20 Ashley.

10:10:47AM 21 Q. How long have you worked in law enforcement?

10:10:50AM 22 A. I've been with the City of Charleston for a little over  
23 nine years.

10:10:53AM 24 Q. Do you have any qualifications or education prior to  
25 working at the police department that qualified you to work

## DANIEL ENGLISH - DIRECT EXAMINATION

1 there?

10:11:00AM 2 A. I have a four-year degree from Francis Marion University  
3 in Florence, South Carolina, and then I attended the South  
4 Carolina Criminal Justice Academy.

10:11:08AM 5 Q. What did you study in college?

10:11:10AM 6 A. Political science.

10:11:11AM 7 Q. You say you started about nine years ago with the police  
8 department?

10:11:14AM 9 A. Yes, sir, August 2007.

10:11:16AM10 Q. What was your first assignment with the police department?

10:11:19AM11 A. My first assignment was a patrolman in the downtown team.

10:11:23AM12 Q. How long did you do that?

10:11:25AM13 A. I was on patrol for four and a half years or so. I worked  
14 downtown, and then I worked on another team in the suburban  
15 area.

10:11:35AM16 Q. What type of responsibilities did you have?

10:11:38AM17 A. As a patrolman, you know, just you patrol your area, you  
18 respond to calls, write reports, make arrests, things like  
19 that.

10:11:46AM20 Q. When you say downtown, did that cover the area where  
21 Mother Emanuel AME Church is?

10:11:51AM22 A. Yes, sir.

10:11:52AM23 Q. Are you familiar with that area?

10:11:53AM24 A. I am.

10:11:54AM25 Q. That's from patrolling it generally?

## DANIEL ENGLISH - DIRECT EXAMINATION

10:11:57AM 1 A. Yes, sir.

10:11:58AM 2 Q. So after those years of working patrol, did you take on  
3 any other responsibilities or have another job?

10:12:04AM 4 A. I did. So after doing the time on patrol, like I just  
5 mentioned, I began moving into investigations division of our  
6 police department. I started in the auto theft division, I  
7 worked there, I moved over to the robbery division, I did that  
8 for two and a half years, and then lastly I moved to the  
9 violent crimes or homicide division, and now, like I said, I'm  
10 back onto patrol as a supervisor.

10:12:29AM11 Q. When were you promoted to, first of all, detective?

10:12:33AM12 A. I would say 2012 I was into the detective division.

10:12:38AM13 Q. And when were you promoted to sergeant?

10:12:40AM14 A. I was just promoted to sergeant in September.

10:12:43AM15 Q. You spent several years as a detective?

10:12:45AM16 A. Yes, sir.

10:12:46AM17 Q. If you can, explain to the jury the role, or at least your  
18 experience with using videotape or surveillance in your  
19 investigations.

10:12:56AM20 A. Sure. In these days surveillance footage is paramount to  
21 investigations now. It obviously helps you establish what  
22 happened before, during, after a crime. So working cases from  
23 any auto theft to homicide, like I told you I was in, you're  
24 getting footage for everything you can. And it's useful in a  
25 number of ways, from, you know, corroborating statements given



## DANIEL ENGLISH - DIRECT EXAMINATION

1 to you from witnesses all the way to looking at the actions of  
2 an actual crime.

10:13:28AM 3 Q. And explain the type of sources of video surveillance  
4 you've used or have experience within investigations.

10:13:36AM 5 A. Sources as in the locations?

10:13:38AM 6 Q. Where does the video come from?

10:13:40AM 7 A. So typically, you know, you have the cameras in the  
8 locations, and those cameras feed into surveillance systems.  
9 And we will get surveillance systems, and some businesses  
10 still have old VCR systems, some have high-tech cloud systems.  
11 So it really kind of ranges. But that's typically what we  
12 deal with, and just watching those footages and then  
13 retrieving them later.

10:14:03AM 14 Q. And the city itself maintains a type of footage, is that  
15 right, meaning different cameras in the city?

10:14:09AM 16 A. Yes, sir.

10:14:10AM 17 Q. And is it part of your responsibility to know how to  
18 retrieve footage from that system as well?

10:14:14AM 19 A. Yes, sir, it is.

10:14:15AM 20 Q. And I know you're maybe not an expert in the area, but  
21 would you consider yourself experienced in gathering  
22 surveillance footage for investigative purposes?

10:14:24AM 23 A. Very.

10:14:25AM 24 Q. So I want to ask you then about June 17th of 2015; were  
25 you working that day?

## DANIEL ENGLISH - DIRECT EXAMINATION

10:14:32AM 1 A. I was off that night.

10:14:34AM 2 Q. Do you recall getting brought into the shooting that  
3 happened at the Emanuel AME Church?

10:14:40AM 4 A. Yes, sir.

10:14:41AM 5 Q. Tell the jury how you got involved.

10:14:42AM 6 A. So as I said, I was off sitting at my house on the couch.  
7 My lieutenant at the time called in several detectives and  
8 said, you know, this is what happened downtown, we've had a  
9 shooting, we don't have a whole lot of information at this  
10 time, we do need a bunch of detectives to respond.

10:15:02AM 11 So I did. We had a muster location at 103 Calhoun Street,  
12 and we were told to go there, so I did.

10:15:09AM 13 Q. When you testified earlier that you were sort of familiar  
14 with the downtown and the area of Emanuel, can you explain  
15 sort of what that area is like?

10:15:20AM 16 A. So the church basically sits right at the intersection of  
17 Meeting and Calhoun Street. Obviously there's a park right  
18 across from it, Marion Square. So it's a heavily traveled  
19 area, there's a lot of foot traffic in that park. There's a  
20 gas station right on the corner, so there's obviously vehicles  
21 coming in and out. Across the street is a hotel. So again,  
22 it's just kind of a tourism section of town, and it's heavily  
23 traveled through cars and people.

10:15:48AM 24 Q. Were you familiar with the immediate surrounding,  
25 Henrietta Street behind, and the area surrounding the building

## DANIEL ENGLISH - DIRECT EXAMINATION

1 itself?

10:15:57AM 2 A. Yes, sir.

10:15:57AM 3 Q. Was that from your patrol?

10:15:59AM 4 A. Yes, sir.

10:15:59AM 5 Q. I want to ask you then, you said you were called out and  
6 you went to a muster location. What was your job or what  
7 happened once you got there?

10:16:06AM 8 A. So basically a muster location is just one place where the  
9 detectives can go to get on the same page, collect the  
10 information known at the time, and then distribute  
11 assignments. So we go to the muster location and we get  
12 briefed on the situation and we get given our assignments from  
13 that point.

10:16:25AM 14 Q. And at that point in time what was sort of the interaction  
15 between federal and local agencies or, for that matter,  
16 different agencies that were cooperating?

10:16:34AM 17 A. Yeah, with this incident there was a number of different  
18 agencies responding. There was on the scene obviously us,  
19 city police, there was fire, there was the county sheriff's  
20 office, you know, we were told that state was en route. You  
21 know, federal agencies were obviously coming. So at that  
22 point it was just a pretty massive response in terms of other  
23 agencies.

10:16:56AM 24 Q. When you responded, who was coordinating the investigation  
25 at that time?

## DANIEL ENGLISH - DIRECT EXAMINATION

10:17:00AM 1 A. At that particular time the muster location my lieutenant  
2 was, you know, giving us our direct assignments. But a MEOC,  
3 which stands for Municipal Emergency Operation Center, that  
4 was be started just blocks away. And that would be where the  
5 leaders from the agency that was gathering and would begin to  
6 make decisions.

10:17:22AM 7 Q. So when you first arrived, about how long after the  
8 shootings, to the best you can recall, were you showing up on  
9 scene?

10:17:29AM 10 A. I got to the muster -- I got called at 9:15, and I mean  
11 it -- I got there quick. So by the time I got there, you  
12 know, maybe 9:30, 9:40.

10:17:42AM 13 Q. And so when you showed up at that time, what were you  
14 assigned to do, if anything?

10:17:47AM 15 A. When I got to the muster location I was told to go over to  
16 the Embassy Suites, which is again in Marion Square, it's a  
17 motel there. Survivors and other people were being staged at  
18 that location. So I was told to go over there and basically  
19 just await further assignment. Mostly just for staging  
20 purposes that we weren't directly across from the actual  
21 church.

10:18:12AM 22 Q. Did you do anything else there, or how long did you stay  
23 there?

10:18:14AM 24 A. I stayed at the muster location for maybe 15 minutes, and  
25 then I was told to go to the church. And I went to the church

## DANIEL ENGLISH - DIRECT EXAMINATION

1 and I stayed there for a little while.

10:18:23AM 2 Q. At the church or at the muster location?

10:18:25AM 3 A. At the church.

10:18:26AM 4 Q. Why did you go over to the church?

10:18:28AM 5 A. So I was told to go there and assist. There was some,  
6 like I said, survivors would be in place there. And there was  
7 some interviews being conducted, and I was basically just told  
8 to offer assistance if needed. For the interviews. Or just  
9 to wait further instruction.

10:18:42AM 10 I was not asked to help with any of the interviews, so I  
11 awaited further instruction.

10:18:46AM 12 Q. Do you recall if there were -- if there was any kind of  
13 joint interviewing going on at this time?

10:18:50AM 14 A. There was, yeah, there was FBI agents there at that time  
15 in particular, assisting with the survivor interviews I just  
16 mentioned.

10:18:57AM 17 Q. So if you could explain, you mentioned earlier there was a  
18 MEOC set up, a center for command?

10:19:05AM 19 A. Yes, sir.

10:19:05AM 20 Q. What was the command structure as those interviews began,  
21 what was the role of state and federal agents working  
22 together?

10:19:11AM 23 A. At that point, you know, everyone is trying to help each  
24 other and gather as much facts as possible. And when you're  
25 working obviously away from the command system, your job is to

## DANIEL ENGLISH - DIRECT EXAMINATION

1 basically report back to back up so that they know they have  
2 the latest information that you're getting. So that's kind of  
3 how the structure worked.

10:19:30AM 4 Q. And so as far as you said you then displaced from the  
5 hotel to the church, what happened then as far as your role?

10:19:38AM 6 A. Okay. So while I'm at the hotel I was informed that the  
7 church may have some surveillance system in place. I was  
8 asked to call a member of the church to confirm that. I did.  
9 When I called that individual, I was told to contact the  
10 secretary of the church.

10:19:54AM 11 Q. Back up a little bit. So who gave you that assignment  
12 about the video?

10:19:59AM 13 A. Sure. So the Detective Burckhart was actually working  
14 that night, so he was the responding detective. Like I said,  
15 the rest of us were called out to assist. And so I get there  
16 and I learn from Detective Burckhart that the church may have  
17 some footage. He had contact person and he asked me to call  
18 them to confirm.

10:20:18AM 19 Q. Was Detective Burckhart working with any federal agent?

10:20:21AM 20 A. He was.

10:20:21AM 21 Q. Who was that?

10:20:22AM 22 A. There was a Special Agent Durr there, that's one name that  
23 stands out to me. There was a lot of people with him, so --

10:20:32AM 24 Q. And so Detective Burckhart had you call an individual.

25 Who was the first person you had to call?

## DANIEL ENGLISH - DIRECT EXAMINATION

10:20:38AM 1 A. So the first person I was told to call, his name was  
2 Charles Williams, he was a member of the church. And I got  
3 his name and phone number and I called him and asked, you  
4 know, I heard the church has footage, is this true. And he  
5 said yeah, the church does have footage; can you please call  
6 our secretary, Althea Latham, and get the information from  
7 her.

10:20:58AM 8 Q. And did he give you any other details about where the  
9 video may be located or any other information that was  
10 helpful?

10:21:05AM 11 A. He passed me on to Miss Latham, and when I called her she  
12 provided that information.

10:21:09AM 13 Q. So what did -- I'm assuming you acted upon what  
14 Miss Latham told you?

10:21:16AM 15 A. I did.

10:21:16AM 16 Q. So what did she tell you that was helpful to your  
17 investigation?

10:21:21AM 18 A. So when I called Miss Latham she told me that the church  
19 did, in fact, have a security system in place, that it was  
20 located in her office. She told me where her office was, she  
21 told me the best way to access her office. She told me how I  
22 could view the surveillance footage and the password to get  
23 into the hard drive.

10:21:42AM 24 Q. Did you write all that down?

10:21:44AM 25 A. I did.

## DANIEL ENGLISH - DIRECT EXAMINATION

10:21:45AM 1 Q. Once you had that information from her, did you -- what  
2 did you do at that point?

10:21:49AM 3 A. So I took the information, like I said, and I passed it up  
4 to the command structure so that everyone knew, yes, the  
5 church does have footage, we know where it is and how to  
6 access it. So that information was passed up, and then I  
7 eventually went to the -- and was given further instruction.

10:22:06AM 8 Q. How long after you called the information in did you go to  
9 the MEOC for further instruction? You have your notes in  
10 front of you?

10:22:12AM 11 A. I do, yes, sir.

10:22:13AM 12 Q. Feel free to refer to them, if you need to.

10:22:16AM 13 A. So I ended up speaking with Mr. Williams at about 11:40.  
14 Miss Latham obviously after. And I went to the municipal --  
15 the MEOC, I went to the MEOC at about 1:00 o'clock in the  
16 morning.

10:22:30AM 17 Q. Where was the MEOC set up?

10:22:31AM 18 A. It was set up at 77 Calhoun Street, which is the Galliard  
19 Auditorium.

10:22:36AM 20 Q. So after you went to the MEOC, were you given further  
21 instructions?

10:22:40AM 22 A. I was. I was asked to go attempt to retrieve the footage  
23 that I was told about by Miss Latham.

10:22:46AM 24 Q. I want to ask you about who else was with you, and again  
25 that sort of interagency operation or cooperation, who was



## DANIEL ENGLISH - DIRECT EXAMINATION

1 then sort of giving out tasks or follow-up assignments?

10:22:57AM 2 A. So in that particular setting we had some police  
3 department command, Major Broughton was there, Brian Womble is  
4 a supervisor with the FBI, he was there. And there was other  
5 various commanders there as well, but I was dealing with  
6 mostly Mr. Womble.

10:23:13AM 7 Q. So did Special Agent Womble, did he send somebody else  
8 with you or give you any specific instruction?

10:23:21AM 9 A. Yeah. So I was sent to the church again to attempt to  
10 retrieve the footage, view the footage. And I was sent with  
11 Corporal Van Horn, who works for the city, and Special Agent  
12 Durr, who I mentioned earlier.

10:23:34AM 13 Q. Did you have any particular responsibilities with regard  
14 to the video?

10:23:39AM 15 A. You know, the responsibility was to access it. And  
16 obviously Miss Latham gave me instructions on how to do so, so  
17 that was my responsibility, go to the church, access the  
18 footage, report back what you see, and we'll try to retrieve  
19 the system.

10:23:51AM 20 Q. Did you go to the church?

10:23:52AM 21 A. I did.

10:23:53AM 22 Q. So it would have been you, Agent Durr, and is it Corporal  
23 Van Horn?

10:23:57AM 24 A. Yes, sir.

10:23:59AM 25 Q. When you got to the church, what was the status of the

## DANIEL ENGLISH - DIRECT EXAMINATION

1 investigation on site?

10:24:06AM 2 A. The status of the investigation at this point, they were  
3 going to begin the processing inside the church. So obviously  
4 resources were being put in place by SLED, the city, and again  
5 the FBI to accomplish that. You know, us being given specific  
6 instructions, you know, we kind of went towards those  
7 instructions. The people that were about to process the  
8 church knew we were there to get the footage to further the  
9 investigation.

10:24:35AM 10 Q. You testified earlier that you had sort of been -- had  
11 some familiarity with the surroundings of the church building.

10:24:43AM 12 A. Yes, sir.

10:24:44AM 13 Q. When you got there that night did they seem familiar to  
14 you, had you seen them as you had seen them before?

10:24:48AM 15 A. Yes, sir, yeah.

10:24:50AM 16 Q. Had you ever been inside the church before?

10:24:52AM 17 A. To that point I had not been inside the church. I had  
18 been outside the church and obviously passed it numerous  
19 times, but had not been inside.

10:24:59AM 20 Q. How did you know where to go inside the church?

10:25:02AM 21 A. Miss Latham told me the best way to get into her office is  
22 to go into the west parking lot door, her office was straight  
23 ahead. And then right behind her office was the pastor's  
24 study. So she gave me very specific directions on where to  
25 go. It was obvious.

## DANIEL ENGLISH - DIRECT EXAMINATION

10:25:17AM 1 Q. When you got to the scene itself did you have any  
2 understanding of where the cameras may or may not be located  
3 in the building or outside the building?

10:25:26AM 4 A. Right. At that particular point I did not know exactly  
5 where the cameras were located. Miss Latham basically told me  
6 that there was cameras on the outside of the church, and this  
7 is how to access the footage. So in that moment I did not  
8 know where exactly the cameras were, but I did find out.

10:25:40AM 9 Q. Did she explain to you or were you ever able to determine  
10 if there are any cameras inside the church?

10:25:45AM 11 A. So there's no cameras inside the church. There are three  
12 exterior surveillance cameras. Two cover the back parking lot  
13 that goes out to Henrietta Street, and then one covers the  
14 door that I had just mentioned, that was the door that I was  
15 to go through to get to her office.

10:26:03AM 16 Q. I want to bring up Government's 20. Are you familiar with  
17 Government's Exhibit 20?

10:26:19AM 18 A. Yes, sir.

10:26:20AM 19 Q. And does that have some indication of where the cameras  
20 are, generally speaking, on buildings?

10:26:26AM 21 A. Yes, sir, it does.

10:26:28AM 22 Q. And if you could tell the jury.

10:26:31AM 23 A. Okay. So you'll see the orange dots on the screen here,  
24 this corner, there's a parking lot, like I mentioned. This  
25 corner also has the parking lot view towards Henrietta Street.

## DANIEL ENGLISH - DIRECT EXAMINATION

1 And then this main camera here, which is the doorway to get to  
2 Miss Latham's office.

10:26:51AM 3 Q. And just to briefly explain, are those visible on the  
4 exterior of the building?

10:26:55AM 5 A. Yes, sir.

10:26:56AM 6 Q. And those are the only three cameras you were aware of?

10:26:59AM 7 A. Those are the only three cameras, yes, sir.

10:27:00AM 8 Q. Can you explain to the jury relative to those cameras  
9 where there are access doors?

10:27:07AM 10 A. So access doors to the church are right there where I kind  
11 of covered it up where it says rear. That's the door that  
12 Miss Latham told me to go into, and then the front door.  
13 Those are the access points to the church. Front door is on  
14 the Calhoun Street side.

10:27:23AM 15 Q. Is there a door where the handicap access is to?

10:27:28AM 16 A. Yes, sir.

10:27:28AM 17 Q. So two doors to the parking lot, one to the front, but the  
18 door in the front and the -- I'm going to say where the  
19 handicapped sign is, there's no cameras covering that?

10:27:38AM 20 A. That's correct, no cameras.

10:27:41AM 21 Q. So let's get back to your entering the church. Were her  
22 directions accurate, did you find the system?

10:27:47AM 23 A. Yes, sir, directions were very accurate. Went straight to  
24 the office, saw the TV, saw the remote, and accessed the  
25 system from there.

## DANIEL ENGLISH - DIRECT EXAMINATION

10:27:55AM 1 Q. And if you could explain to the jury, what did the system  
2 itself, how did it appear or what did it look like?

10:28:02AM 3 A. So the system was just a box, like I told you, it's -- she  
4 told me it was connected to the TV. So when you walk into the  
5 office you can actually turn the TV on and it's showing you  
6 the picture of what the cameras are recording. So that's how  
7 the system appeared.

10:28:21AM 8 Q. So you said you'd been outside and had a chance to observe  
9 the exterior of the building?

10:28:26AM 10 A. Yes, sir.

10:28:26AM 11 Q. Did it appear that the camera was accurately recording  
12 what was going on outside that you had just seen?

10:28:33AM 13 A. Yes, sir.

10:28:36AM 14 Q. So what did you do once you saw that it was actively  
15 operating?

10:28:40AM 16 A. So the first thing that I did, which is what I always do  
17 when retrieving surveillance footage from a location, the  
18 first thing I do is obviously have a note pad and I check what  
19 time it is. Real time. And I wrote that down. And then I  
20 immediately checked what the time is on the surveillance  
21 system. That will give me an indication as to whether or not  
22 the surveillance system is off time.

10:29:01AM 23 Q. Is that something that is common? Why do you do that?

10:29:04AM 24 A. It's pretty common that a surveillance system is off time.  
25 Sometimes daylight savings time, people forget to change it,

## DANIEL ENGLISH - DIRECT EXAMINATION

1 sometimes the power goes out and knocks it off. And so it is  
2 pretty common, and that's why, like I said, I write down what  
3 the real time is, I write down what the surveillance is. That  
4 way I can know the time difference I'm looking at.

10:29:24AM 5 Q. Did you find a disparity in the time being shown on the  
6 video and what you had as real time?

10:29:29AM 7 A. Yes, sir.

10:29:30AM 8 Q. How did you obtain your real time in that situation?

10:29:32AM 9 A. So the real time was taken from my cell phone and I wrote  
10 that down, and at that time was 1:47 in the morning. And the  
11 surveillance time was indicating that it was 1:50. So it was  
12 obviously 12 hours behind.

10:29:48AM13 Q. So it was -- you were there at 1:47 a.m.?

10:29:52AM14 A. Yes, sir.

10:29:53AM15 Q. And the video is showing 1:50 p.m.?

10:29:55AM16 A. P.m., yes.

10:29:57AM17 Q. Same day before or day after?

10:29:59AM18 A. Surveillance system was showing the 17th at 13:50, so it  
19 was approximately 12 hours behind real time.

10:30:07AM20 Q. So 12 hours and three minutes?

10:30:16AM21 A. Yes, sir.

10:30:11AM22 Q. Once you had determined sort of the time issue, what was  
23 the next thing you did?

10:30:17AM24 A. So determining the time issue, I obviously knew what time  
25 this incident was said to have happened, so you start going

## DANIEL ENGLISH - DIRECT EXAMINATION

1 backwards. And so from that point I went backward and I  
2 documented my observations. And just kept going from that  
3 point.

10:30:33AM 4 Q. Let me ask you about how you were able, was there anything  
5 to accessing the system? I think Miss Latham had described  
6 some things to you. Do you have to do anything to access it?

10:30:42AM 7 A. So I had to, you know, press the menu button on the remote  
8 and go into the function that I could play the surveillance  
9 footage back, that required a password. She had provided that  
10 password. I entered the password and then was able to access  
11 the footage itself.

10:30:58AM 12 Q. Was this system similar to ones you've used in the past?

10:31:01AM 13 A. Yes, sir, it was.

10:31:04AM 14 Q. So you didn't have any problems navigating it?

10:31:07AM 15 A. No, sir.

10:31:09AM 16 Q. Let me ask you, so once you see that it's working, give  
17 the jury sort of an idea of what your plan is, what is your  
18 approach to either viewing this, preserving it or otherwise in  
19 terms of priority?

10:31:22AM 20 A. So the priority is obviously to view it for suspect  
21 information, and relay that information to your command so you  
22 get that going in place.

10:31:31AM 23 The second priority would then be to preserve the system  
24 for evidentiary value, and so we -- that was our priority at  
25 that point. Watch the footage for suspect information, and

## DANIEL ENGLISH - DIRECT EXAMINATION

1 preserve the footage system.

10:31:45AM 2 Q. So tell the jury what you were able to obtain for  
3 investigative purposes from watching the video in real time.

10:31:54AM 4 A. All right. So knowing what time the incident occurred,  
5 knowing the nature of the incident and knowing the suspect  
6 description that we were given, I watched the footage and I  
7 start making observations. Like I said, I played it  
8 backwards. I later put it in order. But I watched it  
9 backwards initially to get a feel of what happened. The first  
10 thing that I saw when I watched the footage, was -- let me  
11 give you the time. First thing that I saw was a white male  
12 exiting the church from that west door that I talked about,  
13 holding a firearm. And that would have been at 21:06 hours  
14 real time, based on the time.

10:32:42AM 15 Q. At that point in time was there a description that had  
16 gone out?

10:32:45AM 17 A. There was. Yes, sir.

10:32:47AM 18 Q. And did you -- so you had some basic information. There  
19 was no identity have been --

10:32:52AM 20 A. There was no identity, but it was a white male had  
21 committed a shooting inside this church and fled.

10:32:58AM 22 Q. Safe to say that was one of your primary responsibilities  
23 was to try to ascertain some evidence of identification?

10:33:05AM 24 A. Yes, sir.

10:33:05AM 25 Q. And so when you saw that, what did you do once you were



## DANIEL ENGLISH - DIRECT EXAMINATION

1 able to find out parts of the video?

10:33:12AM 2 A. So as I found parts of the video that helped the cause of  
3 identifying the suspect, I photographed that for distribution  
4 purposes. We oftentimes will do what's called BOLOs, be on  
5 the look out. But basically our -- if we can identify a  
6 suspect in a case to get their image out so we can identify  
7 them.

10:33:38AM 8 Q. Explain that, you said BOLO, what's that mean?

10:33:42AM 9 A. So it's a be on look out, basically it's a flier. And we  
10 put information that's known about what we're investigating  
11 out, and we obviously put the pictures out with the  
12 descriptions. And we ask for, you know, help and, you know,  
13 do you recognize this person, if you recognize this car, if  
14 you know anything about this, call us. It's basically us  
15 reaching out to the news, other law enforcement agencies,  
16 community, asking for help on the situation.

10:34:12AM 17 Q. And as far as putting it together, did -- you said you  
18 took a picture?

10:34:17AM 19 A. Yes, sir.

10:34:17AM 20 Q. With what?

10:34:18AM 21 A. At that time I had my phone, and so as I'm watching these  
22 images on the screen, I take pictures with my phone, and I was  
23 able to use those pictures later to create the BOLO I talked  
24 about.

10:34:28AM 25 Q. Did you create the BOLO or the document that went out, or

## DANIEL ENGLISH - DIRECT EXAMINATION

1 did you just send the pictures?

10:34:34AM 2 A. I did. I created the BOLO. So I alerted obviously the  
3 command system to this information, and then later I was  
4 tasked with creating a BOLO for distribution.

10:34:44AM 5 Q. I'm going to show you Government's proposed Exhibit 104.  
6 Do you recognize that?

10:34:50AM 7 A. I do, yes, sir.

10:34:51AM 8 Q. Were you involved in creating that?

10:34:53AM 9 A. Yes, sir, I did.

10:34:53AM 10 Q. Are those the images you took?

10:34:55AM 11 A. Yes, sir, they are.

10:34:57AM 12 MR. WILLIAMS: I give those to defense counsel.

10:35:12AM 13 MR. BRUCK: No objection.

10:35:13AM 14 THE COURT: What's the number?

10:35:16AM 15 MR. WILLIAMS: 104.

10:35:16AM 16 THE COURT: Government 104 is admitted without  
17 objection.

10:35:19AM 18 (Government Exhibit 104 received.)

10:35:19AM 19 BY MR. CURRAN:

10:35:20AM 20 Q. I'm going to call up then Exhibit 104. You testified  
21 earlier about the cameras that were located at the church.  
22 Explain that a little bit more how those cameras work in terms  
23 of the video. Are they all going at the same time or how do  
24 you figure that out?

10:35:38AM 25 A. Right. So in this particular instance at the church these

## DANIEL ENGLISH - DIRECT EXAMINATION

1 cameras are motion activated. So if motion occurs, the camera  
2 will turn on. Began capturing motion. And after awhile it  
3 will turn back off.

10:35:52AM 4 Q. Explain that a little bit better. What's motion activated  
5 mean?

10:35:56AM 6 A. I mean to explain it the best I could, if you had a  
7 surveillance camera that was always on you, then it would  
8 always just be on you and it would always be on and recording.  
9 Some cameras are motion activated, so if that door were to  
10 have a motion activated camera and nobody was moving toward  
11 that door, it wouldn't be recorded. But when movement gets in  
12 front of the camera, then it would turn on to record.

10:36:18AM 13 Q. And does that stay on, what you could tell at least in  
14 your investigation, for a specific amount of time?

10:36:24AM 15 A. It does, it seems to stay on for a period of time, I don't  
16 know exactly how long it stays on, but it does stay on and  
17 then when the motion comes, it turns back on.

10:36:33AM 18 Q. And then if you could also explain from the -- where the  
19 cameras were located and the scope of what they captured.

10:36:41AM 20 A. Sure. So this BOLO actually has pictures taken from each  
21 of the three cameras that I had mentioned to you. This  
22 picture here -- in this picture here is the west door that I  
23 mentioned. This picture here is also from the west door. And  
24 these -- this picture is from the parking lot camera that  
25 covers Henrietta Street, and this camera would be the one that

## DANIEL ENGLISH - DIRECT EXAMINATION

1 captures the parking lot.

10:37:12AM 2 Q. Once -- if you'd also explain, do they all -- I know  
3 they're motion activated, but can they record  
4 contemporaneously, meaning if one camera is recording, does it  
5 exclude the others, or can they all record at the same time?

10:37:26AM 6 A. They can all be recording at the same time.

10:37:28AM 7 Q. So once you were able to take the photos of the screen and  
8 send that out, what was the next step in your investigation?

10:37:36AM 9 A. So once I was able to gather the information in the photos  
10 here, I obviously sent that to the MEOC. And from that point  
11 I was told to go back to headquarters and prepare the BOLO  
12 that you're looking at now and get that ready for  
13 distribution. So I did.

10:37:54AM 14 Q. You testified earlier that there were several people  
15 involved, and that part of your concern as an investigator was  
16 to make sure that not just the suspect information was  
17 obtained, but also the system was preserved for later  
18 evidentiary value.

10:38:10AM 19 A. Yes, sir.

10:38:11AM 20 Q. How did that happen in this case?

10:38:13AM 21 A. So Special Agent Durr and Corporal Van Horn stayed behind  
22 to take care of actually retrieving that system from the  
23 church and physically putting it into evidence later.

10:38:23AM 24 Q. Was that -- were you able later to -- able to inspect the  
25 data that came off of that device?

## DANIEL ENGLISH - DIRECT EXAMINATION

10:38:31AM 1 A. I was, yes, sir.

10:38:32AM 2 Q. And that was processed through your evidence unit?

10:38:34AM 3 A. Yes, sir.

10:38:34AM 4 Q. Was the footage you reviewed later, fairly and accurately  
5 depicting what you saw in the video in real time then and what  
6 you knew the area was like outside?

10:38:45AM 7 A. Yes, sir.

10:38:49AM 8 Q. I'm going to show you a group of exhibits, Government's  
9 proposed 23A through V, if you look at those.

10:39:08AM 10 A. Yes, sir. Yes, sir, these are disks of --

10:39:18AM 11 Q. And you have initialed all of those?

10:39:20AM 12 A. Yes, sir.

10:39:21AM 13 Q. And those are accurate depictions of the footage that you  
14 saw at the time and reviewed since?

10:39:29AM 15 A. Yes, sir.

10:39:30AM 16 Q. They fairly and accurately represent the area outside the  
17 church detected by the cameras?

10:39:39AM 18 A. Yes, sir.

10:39:41AM 19 MR. WILLIAMS: I'm going to show these to defense  
20 counsel.

10:40:03AM 21 MR. BRUCK: No objection.

10:40:06AM 22 MR. WILLIAMS: Your Honor, I'm not going to publish  
23 these yet, but I will move to admit Government's 23A to V.

10:40:15AM 24 THE COURT: A to V, as in victory?

10:40:17AM 25 MR. WILLIAMS: Right.

## DANIEL ENGLISH - DIRECT EXAMINATION

10:40:18AM 1 THE COURT: Very good. No objection from the  
2 defense?

10:40:20AM 3 MR. BRUCK: That's correct.

10:40:21AM 4 THE COURT: Government's 23A through V admitted  
5 without objection.

10:40:24AM 6 (Government Exhibits 23A through 23V received.)

10:40:24AM 7 BY MR. WILLIAMS:

10:40:27AM 8 Q. I want to ask you first, Detective English -- Sergeant  
9 English -- you went back, you said the entire system was  
10 seized, is that correct?

10:40:37AM11 A. Yes, sir.

10:40:37AM12 Q. About how many days of footage, to your best recollection,  
13 were available to you for inspection?

10:40:44AM14 A. There were several days of footage on the system itself.  
15 I don't know the specific number of days, but I believe it was  
16 four or five.

10:40:52AM17 Q. And at some point did you go back and review June 17th,  
18 2015?

10:41:00AM19 A. I did, yes, sir.

10:41:02AM20 Q. What was your purpose in reviewing, or why would a  
21 detective want to review an entire day of video footage?

10:41:09AM22 A. So obviously thoroughness is the main goal, you want to  
23 make sure you document everything. And all the activity going  
24 on at the church, who is coming and going, if you can identify  
25 people, whether they be victims, whether they be survivors,

## DANIEL ENGLISH - DIRECT EXAMINATION

1 whether they be suspect. So you watch this footage for the  
2 entire period of time so that you can have thorough  
3 understanding of what happened before, during and after the  
4 incident.

10:41:37AM 5 Q. So were you the one that sat down and went through that  
6 video?

10:41:40AM 7 A. Yes, sir.

10:41:40AM 8 Q. Tell the jury how you processed it or found relevant  
9 information from that video?

10:41:46AM 10 A. Sure. So watching the video, basically my job was at that  
11 particular time to just document my observations, what do I  
12 see. You know, this person arrives, this person walks in the  
13 door, this person walked out of the door. So it went on like  
14 that obviously for some time, because you're watching a whole  
15 day for three cameras.

10:42:10AM 16 So I basically documented my observations and was able to  
17 prepare basically just a presentation of what happened during  
18 the whole day.

10:42:22AM 19 Q. Do you catalog effectively every person that was visible  
20 on the cameras going in and out of the church?

10:42:28AM 21 A. Yes, sir.

10:42:28AM 22 Q. Did you use that information to try to correlate it to  
23 known individuals?

10:42:33AM 24 A. Yes, sir.

10:42:34AM 25 Q. When I say known, tell me what known individuals you

## DANIEL ENGLISH - DIRECT EXAMINATION

1 considered.

10:42:38AM 2 A. Sure. So obviously with knowledge of the case and who the  
3 victims and the survivors were, I knew who the defendant was,  
4 and so I cataloged basically my observations of those  
5 individuals, if possible, and put them into a timeline.

10:42:54AM 6 Q. Were you able to sequence what you thought were relevant  
7 parts of the video that sort of are chronologically ordered  
8 throughout the day?

10:43:03AM 9 A. Yes, sir.

10:43:04AM10 Q. And you prepared that order for court today?

10:43:06AM11 A. Yes, sir.

10:43:07AM12 Q. So what I want to do then is start with if you could tell  
13 the jury the first video you saw that was relevant to the  
14 investigation and what it depicts.

10:43:16AM15 A. So the first video and the order is 23U, as in union. And  
16 that would be Sharonda Coleman Singleton entering into the  
17 side door.

10:43:51AM18 Q. And the time on there was about 1:06, 1:07; that would  
19 have been 1:06, 1:07 p.m., not a.m.?

10:43:59AM20 A. That's correct.

10:44:00AM21 Q. Was that the first video of a victim or survivor that you  
22 saw?

10:44:05AM23 A. Yes, sir.

10:44:05AM24 Q. That was about 1:00 p.m.?

10:44:07AM25 A. Yes, sir.



## DANIEL ENGLISH - DIRECT EXAMINATION

10:44:07AM 1 Q. What was the second item that you saw?

10:44:09AM 2 A. The second item I saw was 23J, as in John, and that is  
3 Susie Jackson arriving in the parking lot at about 1:28 p.m.

10:45:05AM 4 Q. I want to ask you also, was there any audio capability on  
5 the system?

10:45:09AM 6 A. No, sir.

10:45:10AM 7 Q. No sound was recorded?

10:45:11AM 8 A. No, sir.

10:45:14AM 9 Q. Tell the jury what the next section was that you found.

10:45:16AM 10 A. The next one that I found was 23I, as in Ida, and that is  
11 Susie Jackson entering the side door at 1:29 p.m.

10:45:26AM 12 Q. That's a continuation of the earlier video?

10:45:28AM 13 A. Yes, sir.

10:45:53AM 14 Q. What was the next section you found relevant?

10:45:56AM 15 A. 23K, as in king, is Myra Thompson entering the side door  
16 about 4:59 p.m.

10:46:03AM 17 Q. That's at about 5:00 o'clock?

10:46:04AM 18 A. Yes, sir.

10:46:06AM 19 Q. We'll play that. I'm going to ask you briefly, with some  
20 of these videos it's obviously somebody walking through the  
21 door. If there was other video in the parking lot, you didn't  
22 necessarily pull every single video, just where they were  
23 found, one video that best showed them?

10:46:31AM 24 A. Correct.

10:46:32AM 25 Q. What was the next section you found?

## DANIEL ENGLISH - DIRECT EXAMINATION

10:46:33AM 1 A. Next section, 23O, as in ocean, is Depayne Middleton  
2 entering the side door.

10:46:51AM 3 Q. What was the next section you located?

10:46:52AM 4 A. The next section I located was Polly Sheppard entering the  
5 side door, 23H, as in Henry.

10:46:59AM 6 Q. That was at about 5:43.

10:47:01AM 7 A. Yes, sir, 5:43.

10:47:18AM 8 Q. Was there another video shortly after that?

10:47:20AM 9 A. There was.

10:47:21AM10 Q. What was the time and what did it depict?

10:47:23AM11 A. The next video, 23M, as in Mary, is Myra Thompson entering  
12 the side door.

10:47:31AM13 Q. 23M as in Mary?

10:47:32AM14 A. Yes, sir.

10:47:51AM15 Q. What was the next area you found that was relevant?

10:47:53AM16 A. The next video is 23P, as in Paul, and that is Mr. Daniel  
17 Simmons arriving in the parking lot.

10:48:02AM18 Q. I'll play that. And that was at about 5:48, 5:49?

10:49:00AM19 A. Yes, sir.

10:49:01AM20 Q. What was the next section you found relevant?

10:49:02AM21 A. The next section was 3L, as in Lincoln, and it's Myra  
22 Thompson stepping outside at about 6:00 p.m.

10:49:10AM23 Q. About 6:00 p.m.?

10:49:11AM24 A. Yes, sir.

10:49:26AM25 Q. What was the next section you found?

## DANIEL ENGLISH - DIRECT EXAMINATION

10:49:28AM 1 A. The next section is 23G, as in George, and that's Polly  
2 Sheppard stepping outside at about 6:07 p.m.

10:49:53AM 3 Q. I wanted to ask you about the next section; was there one  
4 of the cameras that made it hard to determine sort of the  
5 exact time?

10:49:59AM 6 A. Yes, sir.

10:49:59AM 7 Q. And because it's sort of washed out with the sun?

10:50:03AM 8 A. Yes, sir.

10:50:03AM 9 Q. What was the next one you were able to at least put  
10 chronologically in order?

10:50:07AM11 A. Yes, sir, the next video is 23A, as in apple, has Cynthia  
12 Hurd arriving in the parking lot.

10:50:56AM13 Q. And was that -- we see her there walking towards the  
14 building. Was that picked up in other video when she came  
15 around the corner?

10:51:03AM16 A. Yes, sir.

10:51:04AM17 Q. What video is that?

10:51:05AM18 A. The next video is 23B, boy, and that's Miss Hurd  
19 interacting with Reverend Pinckney in front of the door.

10:51:11AM20 Q. That was at about 7:35?

10:51:15AM21 A. Yes, sir.

10:52:02AM22 Q. Now, that clip had shown, you said, Reverend Pinckney with  
23 Miss Hurd. Was that taken from a section of video where Mr.  
24 -- Reverend Pinckney was sort of interacting or walking around  
25 outside?

## DANIEL ENGLISH - DIRECT EXAMINATION

10:52:15AM 1 A. Yes, sir.

10:52:16AM 2 Q. And that's 23V, as in Victor?

10:52:20AM 3 A. 23V, as in Victor, is Reverend Pinckney.

10:52:24AM 4 Q. That's about a four- or five-minute clip?

10:52:27AM 5 A. Yes.

10:52:30AM 6 MR. WILLIAMS: I'm going to show that, Your Honor.

10:52:40AM 7 (Video played.)

10:52:41AM 8 BY MR. WILLIAMS:

10:57:22AM 9 Q. So that clip ran from 7:35 to about 7:40.

10:57:27AM10 A. Yes, sir.

10:57:27AM11 Q. What was the next clip or section that you found that was  
12 relevant to individuals involved in this crime?

10:57:33AM13 A. So the next clip that I found was 23N, as in Nora, Depayne  
14 Middleton entering the side door about 7:49.

10:57:51AM15 Q. So that was 7:49, just after, was there another clip sort  
16 of in that same time frame?

10:57:57AM17 A. Yes, sir, same time frame, 23S, as in Sam, is Daniel  
18 Simmons stepping outside.

10:58:24AM19 Q. 23 --

10:58:27AM20 A. 23S, as in Sam.

10:58:31AM21 Q. 23S. And does that continue to another section?

10:58:38AM22 A. Yes, sir, and section 23T, as in Tom, Daniel Simmons  
23 re-enters the side door.

10:58:54AM24 Q. And from another location of him on 23Q?

10:58:58AM25 A. Yes, sir.

## DANIEL ENGLISH - DIRECT EXAMINATION

10:58:59AM 1 Q. I'll publish that. I want to ask you, that was around  
2 7:50, 7:55, somewhere in that range?

10:59:40AM 3 A. Yes, sir.

10:59:40AM 4 Q. You mentioned earlier that there was a separate door at  
5 the front that didn't have any camera surveillance?

10:59:46AM 6 A. That's correct.

10:59:47AM 7 Q. In your review of all the video, were you ever able to  
8 locate any video of who you thought to be Ethel Lance?

10:59:53AM 9 A. No, sir.

10:59:54AM10 Q. How about Tywanza Sanders?

10:59:56AM11 A. No, sir.

10:59:57AM12 Q. Or Felicia Sanders?

10:59:58AM13 A. No, sir.

10:59:59AM14 Q. So you are familiar with who they were, you just couldn't  
15 find any video; maybe they entered a separate door?

11:00:04AM16 A. Correct.

11:00:05AM17 Q. I'm going to show you -- I'm going to pull up now  
18 Government's Exhibit 23E and play that. I'm going to also  
19 publish 23C, as in cat. That was at 8:17 on the video time?

11:01:13AM20 A. Yes, sir.

11:01:14AM21 Q. What was the next relevant section time; 9:06?

11:01:18AM22 A. Yes, sir.

11:01:19AM23 Q. I'm going to display then Government's 23 D, as in dog.  
24 I'm going to play, following that one, 23F.

11:02:46AM25 (Video played.)

## DANIEL ENGLISH - DIRECT EXAMINATION

11:02:46AM 1 Q. And I believe the earlier clip where the defendant was  
2 entering, you said was about 8:16 p.m.?

11:02:51AM 3 A. Yes, sir.

11:02:52AM 4 Q. And the time of exit was about 9:07?

11:02:57AM 5 A. Yes, sir.

11:02:57AM 6 Q. So about 50 minutes elapsed between the time he entered  
7 and left?

11:03:01AM 8 A. Yes, sir.

11:03:03AM 9 Q. Did you also screen the video to determine when Dan  
10 Simmons was taken out of the church?

11:03:09AM11 A. I did, yes, sir.

11:03:10AM12 Q. About what time did you see that video captured?

11:03:13AM13 A. That is about 9:31.

11:03:22AM14 Q. From your knowledge of the case, do you know sort of where  
15 Mr. Simmons was located?

11:03:26AM16 A. Generally located in the breezeway off of that west door,  
17 and 23R is the clip of him.

11:03:32AM18 Q. He would have been located where the defendant was walking  
19 out?

11:03:35AM20 A. Yes, sir.

11:03:35AM21 Q. And if you could, I'm going to publish 23R.

11:04:43AM22 MR. WILLIAMS: Your Honor, I'm going to try to use  
23 the physical exhibit; I think we have some issues with that.

11:05:06AM24 THE COURT: It's playing now.

11:05:26AM25 MR. WILLIAMS: Sorry. We'll publish 23R.

## DANIEL ENGLISH - DIRECT EXAMINATION

11:05:28AM 1 (Video played.)

11:05:28AM 2 BY MR. WILLIAMS:

11:06:06AM 3 Q. Detective English, apart from your role in reviewing that  
4 video, did you have much of a substantial role otherwise in  
5 the investigation?

11:06:13AM 6 A. No, sir.

11:06:13AM 7 Q. You worked with Federal Agent Hamski in identifying these  
8 individuals and putting together those clips?

11:06:19AM 9 A. Yes, sir.

11:06:21AM10 MR. WILLIAMS: No further questions, Your Honor.

11:06:23AM11 THE COURT: Cross-examination.

11:06:27AM12 MR. BRUCK: We have no questions.

11:06:29AM13 THE COURT: Very good. Sergeant, you may step down.

11:06:31AM14 A. Thank you.

11:06:33AM15 THE COURT: Call your next witness.

11:06:37AM16 MR. WILLIAMS: Government calls Brittany Burke. I'm  
17 sorry, Your Honor, Government calls Tre Tallon. Got ahead of  
18 myself.

11:07:12AM19 THE CLERK: State your full name for the record,  
20 please.

11:07:13AM21 A. James Tallon.

11:07:16AM22 JAMES TALLON, a witness called by the Government, first  
23 having been duly sworn, testified as follows.

11:07:22AM24 DIRECT EXAMINATION

11:07:34AM25 BY MR. WILLIAMS:

## JAMES TALLON - DIRECT EXAMINATION

11:07:41AM 1 Q. Sir, if you could, give the jury your name.

11:07:43AM 2 A. James Tallon, T-A-L-L-O-N.

11:07:48AM 3 Q. You go by Tre?

11:07:49AM 4 A. Yes, sir, I do.

11:07:51AM 5 Q. Can you tell the jury where you work?

11:07:53AM 6 A. I work for the South Carolina Law Enforcement Division,  
7 also known as SLED.

11:07:58AM 8 Q. Explain to the jury basically or generally what SLED is as  
9 an enforcement agency and what their role is in  
10 investigations.

11:08:07AM 11 A. Basically we are an assisting agency, and we assist any  
12 agency inside of the State of South Carolina for various  
13 calls, whether it be a homicide, burglary, anything in  
14 between.

11:08:18AM 15 Q. And you say the State of South Carolina; is that the  
16 entire state?

11:08:21AM 17 A. Yes, sir, the entire State of South Carolina.

11:08:23AM 18 Q. Why, or in what circumstances do other agencies need  
19 SLED's assistance or help?

11:08:32AM 20 A. If they need specific expertise or extra equipment, then  
21 we can provide that.

11:08:38AM 22 Q. What's your job at SLED?

11:08:40AM 23 A. I'm a crime scene special agent. I work the entire State  
24 of South Carolina answering calls for service for various  
25 types of crimes. I also have what's called a plus one, which



## JAMES TALLON - DIRECT EXAMINATION

1 is advanced digital photography, where I'm trained in  
2 photography and 3-D crime scene.

11:08:59AM 3 Q. How long have you worked in law enforcement?

11:09:04AM 4 A. Law enforcement, I've been about eight years.

11:09:07AM 5 Q. What did you do before you worked in law enforcement?

11:09:10AM 6 A. I was in college, and I was a pharmacist technician for  
7 about 13 years.

11:09:15AM 8 Q. What did you study in college?

11:09:18AM 9 A. I was -- I went to the Savannah College of Art and Design  
10 in Savannah, Georgia, got a bachelor's in visual effects.

11:09:26AM 11 Q. How did you end up going from art design school to law  
12 enforcement?

11:09:29AM 13 A. Great question. My father was in law enforcement, it's  
14 always been in my blood. And then once I got out of college I  
15 started doing a recruitment video for a city local to where I  
16 lived, and the chief asked me if I would like to get a job,  
17 and here I am.

11:09:50AM 18 Q. What was that agency?

11:09:52AM 19 A. That was the City of Sumter police department.

11:09:54AM 20 Q. What did you do at the Sumter police department?

11:09:56AM 21 A. I started out on patrol, just like a normal police  
22 officer, worked on patrol for a year and a half, and then got  
23 promoted back into our ISD, which is investigative services  
24 division, as a detective, and worked my way into crime scene,  
25 where I spent most of my time there. I did a total of five

## JAMES TALLON - DIRECT EXAMINATION

1 years for the City of Sumter.

11:10:17AM 2 Q. And how many of those years were in crime scene?

11:10:20AM 3 A. About three and a half, four years.

11:10:21AM 4 Q. And when did you start with SLED? Was that your next job?

11:10:25AM 5 A. I went straight from the City of Sumter to SLED, and I've  
6 been here for almost three years now.

11:10:31AM 7 Q. What was your first assignment at SLED, crime scene?

11:10:35AM 8 A. Right straight to crime scene.

11:10:36AM 9 Q. So if you can, explain to the jury, you sort of said you  
10 have a plus one. Is that in addition to traditional crime  
11 scene duties, or does that supplant those duties?

11:10:47AM 12 A. Correct, that is -- it's an additional job basically. We  
13 can take photographs if an agency contacts us and they need  
14 photographs taken of an object or aerial photography, we can  
15 go get on the helicopter and take photos for them. Or we can  
16 respond and take specialized photos for them, or we can also,  
17 inside of photography, we have what's called a FARO, and we  
18 will do 3-D crime scene scans.

11:11:20AM 19 Q. So I want to ask you though, are you also a crime scene  
20 investigator?

11:11:23AM 21 A. Yes, sir.

11:11:24AM 22 Q. Is that your primary duty?

11:11:25AM 23 A. That's my primary job is to answer calls for service.

11:11:28AM 24 Q. If you can, tell the jury what your primary duties are and  
25 how crime scene officers respond to scenes or process scenes.

## JAMES TALLON - DIRECT EXAMINATION

11:11:38AM 1 A. Basically how it works is the agency somewhere in the  
2 State of South Carolina that needs our assistance will call  
3 what we call our OD, which is operations desk, it's basically  
4 a dispatch. And then their dispatch will contact us, whoever  
5 is on call. And they will call you 24 hours a day, and when  
6 your phone answers, you ring it -- you answer -- when your  
7 phone rings, you answer it. And they will tell you where they  
8 need you to go and what for.

11:12:08AM 9 We get in our trucks, we respond code blue, lights and  
10 sirens to wherever it is in the State of South Carolina. And  
11 then once we get there, we get the initial information from  
12 the local agency as to what happened. And then we will go  
13 from there as to what we need to take as our next step,  
14 whether it be photographs or do an initial walk through.

11:12:29AM 15 Q. And do you -- I'm going to say do you handle traditional  
16 type crime scene work in addition to sort of your graphic or  
17 sort of collateral duties?

11:12:38AM 18 A. Correct.

11:12:38AM 19 Q. Explain to the jury first sort of how leads get set on  
20 cases when calls go out.

11:12:45AM 21 A. How --

11:12:46AM 22 Q. How does somebody end up being a lead crime scene  
23 investigator versus somebody on the team?

11:12:50AM 24 A. Gotcha. It's usually we work in teams of two. So it  
25 would be me and my partner. Unless it's a larger crime scene,

## JAMES TALLON - DIRECT EXAMINATION

1 and then we will request for more crime scene agents. But if  
2 I am the first one up to get a phone call, if it's my team,  
3 then I'll take the first case that comes out. We do a two-  
4 week call rotation. So within that two weeks we're on call  
5 24/7. And so if the first call comes out, I'll get it, and  
6 then that will be my case. And I take that case and I handle  
7 it from the beginning to end. My partner makes -- basically  
8 just helps me with the photographs and collecting evidence,  
9 things of that nature.

11:13:30AM10 And then the next call that comes out, whenever that is,  
11 it will be his case, and then I will help him.

11:13:35AM12 Q. So I want to ask you about your collateral duties then.  
13 With regard to the case you're here for today, were you the  
14 lead crime scene investigator, or did you have collateral  
15 duties?

11:13:44AM16 A. Collateral duties.

11:13:45AM17 Q. Who was the lead crime scene agent?

11:13:47AM18 A. That would be Brittany Burke.

11:13:49AM19 Q. So I want to ask you about your collateral duties. You  
20 mentioned a little bit that you had some graphic design or  
21 graphics background. What do you do specifically with SLED  
22 that is your specialty, so to speak?

11:14:03AM23 A. With the FARO.

11:14:06AM24 Q. Why don't you describe your overall -- I mean your  
25 collateral duties are, your plus one.

## JAMES TALLON - DIRECT EXAMINATION

11:14:11AM 1 A. In the plus one we take photographs, whether it be on  
2 scene, for local agencies. Or if somebody were to submit this  
3 book here and it had a latent fingerprints on it, then it  
4 would come back to our photography lab, at which point I would  
5 photograph it. And then we take those photographs and send  
6 them to a latent examiner who will determine who the  
7 fingerprints belong to. We also do footwear and tire tread  
8 examination at SLED. So we will take photographs for that and  
9 send those where they need to be. And on the other side of  
10 that is where we do our 3-D crime scene scans, where we  
11 actually go to a scene and do multiple scans of an area and  
12 combine those together and give them to the attorneys for  
13 presentation.

11:15:05AM 14 Q. As far as that scanner, do you have any specialized  
15 training in that area?

11:15:10AM 16 A. I do. I have been to several different trainings for the  
17 actual FARO. And when I say FARO, that is the name brand,  
18 it's kind of like Honda or Ford. It's a 3-D laser scanner,  
19 but the brand name of it is a FARO.

11:15:29AM 20 Q. And is that something you have either trained in and used  
21 as well?

11:15:33AM 22 A. Correct. Once we purchased it, the company came and gave  
23 us training on it, hands-on training, showed us how to use the  
24 software that goes along with it, and also had to have -- had  
25 to have had a 40-hour course on the FARO itself, using that,

## JAMES TALLON - DIRECT EXAMINATION

1 where at the end of that course you have to take a test. And  
2 I've also had a two-week course on the FARO and some of the  
3 software that goes with it.

11:16:00AM 4 Q. Have you testified as an expert in that area before?

11:16:03AM 5 A. Yes, sir, I have.

11:16:04AM 6 Q. What is your area of expertise with regard to the FARO?

11:16:08AM 7 A. Advanced digital photography.

11:16:10AM 8 MR. WILLIAMS: Your Honor, I'm going to move to  
9 qualify Mr. Tallon as an expert in advanced digital  
10 photography.

11:16:17AM 11 THE COURT: Any objection?

11:16:18AM 12 MR. BRUCK: No, sir.

11:16:18AM 13 THE COURT: The witness is recognized as an expert in  
14 advanced digital photography. Please continue.

11:16:24AM 15 BY MR. WILLIAMS:

11:16:24AM 16 Q. Tell us first of all about this case and how you were  
17 involved and what your role was.

11:16:29AM 18 A. On the night we were called, I believe it was the 18th,  
19 when we actually received the call at about 1:00 in the  
20 morning, I left my home and went to headquarters and picked up  
21 the FARO, because I was told that we were more than likely  
22 going to need it. There were several teams going, we had  
23 three teams going, so we had six people headed that way. I  
24 went to headquarters, I picked up the machine, got in the  
25 truck and drove myself to Charleston.

## JAMES TALLON - DIRECT EXAMINATION

11:17:01AM 1 Q. You testified earlier that there was some equipment that  
2 maybe you have that the locals may not have. Is the FARO an  
3 example of that?

11:17:11AM 4 A. That is an example. It's a fairly pricey piece of  
5 equipment. We have two of them, and they run about 120 to  
6 \$130,000.

11:17:21AM 7 Q. For each?

11:17:22AM 8 A. Per machine.

11:17:23AM 9 Q. And so do you know if the local officers had the ability  
10 to use one of those?

11:17:29AM 11 A. The only agency in the State of South Carolina that I know  
12 that has one other than us is Myrtle Beach.

11:17:37AM 13 Q. Do you know if federal agencies have them?

11:17:38AM 14 A. I actually don't know if they have it.

11:17:40AM 15 Q. So did they ask you to bring the FARO, or is that  
16 something you knew to take with you?

11:17:45AM 17 A. I was asked. When I got the phone call from my lieutenant  
18 saying what the nature of the crime was, she had asked me if  
19 the batteries and all the equipment were ready to go from the  
20 machine, at which point I told her that yes, it is ready and  
21 I'm already getting dressed.

11:18:03AM 22 Q. So what did you do then once you got the call to respond?

11:18:07AM 23 A. Once I got the call, I went to the headquarters, picked up  
24 the machine and headed to Charleston.

11:18:14AM 25 Q. When you got out to Charleston, who was the -- you said, I

## JAMES TALLON - DIRECT EXAMINATION

1 think, Miss Burke was the lead?

11:18:19AM 2 A. Correct.

11:18:19AM 3 Q. What was your role on scene or what did you find when you  
4 got there?

11:18:23AM 5 A. Once we got here, we did a quick walk through just to kind  
6 of see what we had. And then Agent Burke kind of delegated  
7 what everybody was going to be doing, and I eventually came to  
8 doing the 3-D scans.

11:18:43AM 9 Q. If you could, give the jury a brief -- you said we went  
10 through to see what we had. What did you have?

11:18:50AM11 A. Say that again?

11:18:51AM12 Q. You said that you did a brief walk through to see what you  
13 had. What was it that presented itself or what would you say  
14 you had when you first arrived, from a crime scene  
15 perspective?

11:18:59AM16 A. We had a large amount of evidence around the area, mainly  
17 on the inside of the building. And knowing that we had such a  
18 large amount of evidence and that the room was somewhat  
19 contained, and that the scene was contained to one room, we  
20 knew that we would be doing several scans.

11:19:24AM21 Q. So tell the jury a little bit about the FARO scanner, how  
22 it's set up and how it operates.

11:19:31AM23 A. The scanner is basically -- it's a computer, like anything  
24 else these days. But it sits on top of a tripod, which is a  
25 regular camera tripod, and it has a touch screen on one side.



## JAMES TALLON - DIRECT EXAMINATION

1 On that touch screen you can set up the type of scan you're  
2 going to be doing, which at SLED we only have two presets that  
3 we use. And that's an inside scan and an outside scan. And  
4 the only difference between those two is how many points that  
5 the scanner collects, how many data points the scanner  
6 collects when it runs.

11:20:08AM 7 Q. I want to ask you about the exhibit in this case. Is the  
8 exhibit that you prepared for court today 2-D or 3-D?

11:20:16AM 9 A. It is 2-D.

11:20:17AM10 Q. If you could just explain to the jury what the 2-D  
11 capacity is, since the 3-D wasn't utilized.

11:20:22AM12 A. Okay. So with that, what happens is that there's a mirror  
13 in the middle of the machine. As that spins and the laser  
14 comes out and hits and it goes to a point and it collects the  
15 data points and it comes back and says this area is six feet  
16 from me or however far it is. Comes back to the machine. It  
17 also picks up an intensity of power from the laser bouncing  
18 off an object coming back, which gives it a representation of  
19 a black and white image. You can do color imagery with it as  
20 well, but in this case --

11:21:03AM21 Q. Let me stop you there. Does it take pictures as well?

11:21:06AM22 A. It does. It takes photographs.

11:21:07AM23 Q. Okay. So you set it up; do you get out of the way?

11:21:11AM24 A. Correct. Once you hit start on the machine, it handles  
25 everything all by itself.

## JAMES TALLON - DIRECT EXAMINATION

11:21:18AM 1 Q. And that's something you then preserve later, once it's  
2 taken sort of the photographs?

11:21:25AM 3 A. Correct. Once it's completed with that scan, you can move  
4 it, do another one, and however many you want to do. And when  
5 it's done, it gets everything saved onto an SD card, just like  
6 most cameras.

11:21:38AM 7 Q. And as far as the determination of location, is that  
8 something that you do? Where the scanner is set up?

11:21:44AM 9 A. It is.

11:21:45AM10 Q. Did you do that in this case?

11:21:46AM11 A. Yes, sir, I did.

11:21:47AM12 Q. How do you decide the appropriate, or how did you decide  
13 the appropriate place to take a scan or a picture?

11:21:54AM14 A. Basically you want to look at the area and determine what  
15 you can see from where you're standing. If you can not see an  
16 object, then the scanner can't see the object. Just like a  
17 camera. It is a camera. So if I were to want to scan this  
18 room, I would do one in this area and then one over here in  
19 this area, and probably several back to get down those aisles.

11:22:19AM20 Q. And is that something you did in this case?

11:22:21AM21 A. Yes, sir.

11:22:22AM22 Q. Do you know about approximately how many different  
23 locations you set up the scanner?

11:22:25AM24 A. Eighteen or 19.

11:22:27AM25 Q. That was both inside and outside the building?

## JAMES TALLON - DIRECT EXAMINATION

11:22:29AM 1 A. Inside and outside total.

11:22:31AM 2 Q. And after those scans were done, I think you said that you  
3 then turn it in to a type of software, a web scene, I think  
4 it's called, that can be presented to a jury?

11:22:41AM 5 A. Correct. Once you have the data, you can take it back and  
6 place it into the scene software, is what it's called. And it  
7 will export out pretty much automatically web share to go, and  
8 when you open it up, it creates a web browser, the Chrome web  
9 browser will open up, and at that point you can click on a  
10 thumbnail of the image or a top down view of the image,  
11 showing where the scans were located, and then spin around  
12 inside of the scene and like a panoramic image.

11:23:22AM 13 Q. As far as this case and the exhibit, is that the scanned  
14 photos that were taken by the FARO?

11:23:29AM 15 A. Correct.

11:23:30AM 16 Q. So the 30 pictures developed and put into software?

11:23:32AM 17 A. Correct.

11:23:33AM 18 Q. Did you do that yourself?

11:23:35AM 19 A. It does it automatically.

11:23:36AM 20 Q. You ran the software --

11:23:38AM 21 A. Correct, I did, I ran the machine.

11:23:40AM 22 Q. I'm going to show you Government's proposed 10. Is that a  
23 disk that you initialed and produced?

11:23:47AM 24 A. Yes, sir, that's mine.

11:23:49AM 25 MR. WILLIAMS: Your Honor, I think there's an earlier

## JAMES TALLON - DIRECT EXAMINATION

1 objection, but I'll move to admit subject to any renewed  
2 objection by defense counsel.

11:23:57AM 3 THE COURT: Government 10. Is there an objection?

11:23:58AM 4 MR. BRUCK: Yes, the Court has resolved the  
5 objections in docket entry 499.

11:24:05AM 6 THE COURT: I'm looking at it as we speak.

11:24:08AM 7 MR. BRUCK: We'd also like to say that your position  
8 taken there has to do -- we'd like our objection to  
9 incorporate -- Well, actually, may I approach, Your Honor?

11:24:22AM 10 THE COURT: Sure.

11:24:39AM 11 (Following discussion held at side bar.)

11:24:40AM 12 MR. BRUCK: I want to make sure our objections relate  
13 to the fact that in objecting to the prejudicial effect of  
14 this technology in this case, we are not limiting ourselves to  
15 the images themselves, but to the way that introducing -- in  
16 other words, that the images need to be assessed under  
17 Rule 403, in light of the fact that they have this "you are  
18 there" quality. So on appeal, we feel that the images  
19 themselves should be reviewed in the preserved form in which  
20 they were shown, so that the jury -- so that any reviewing  
21 court -- I realize the Court has already ruled -- will be able  
22 to assess the emotional impact of the photographs in the way  
23 that they were actually viewed in the court. Because we think  
24 that the experience of sort of replicating the experience of  
25 the responding officers, which is really what this does, has

## JAMES TALLON - DIRECT EXAMINATION

1 an emotional impact which is greater than the images  
2 themselves.

11:25:47AM 3 MR. WILLIAMS: Your Honor, you ordered us to use a  
4 certain software. We are doing that. So I will conditionally  
5 admit 10, then replace it with the video that is created with  
6 the recording device.

11:25:57AM 7 THE COURT: Because I had that concern.

11:25:59AM 8 MR. WILLIAMS: And we're doing that, Your Honor.

11:26:00AM 9 THE COURT: Very good. I think what we'll do is I  
10 want to lead you up to showing it, then let's take our morning  
11 break.

11:26:06AM12 MR. WILLIAMS: We're just going to introduce it.  
13 But -- It's going to happen pretty soon.

11:26:11AM14 THE COURT: Why don't you signal me.

11:26:14AM15 MR. WILLIAMS: Judge, what we plan to do, so you  
16 know, is use the recording information. There's a glitch with  
17 that, we're not going to send it to the jury, so it will be  
18 demonstrative, if it is not.

11:26:23AM19 THE COURT: Very good.

11:26:28AM20 (Side bar discussion concluded.)

11:26:28AM21 BY MR. WILLIAMS:

11:26:35AM22 Q. Agent, I think you said this was a copy of the  
23 presentation that you put on a disk?

11:26:40AM24 A. Correct.

11:26:40AM25 MR. WILLIAMS: And I'm going to conditionally admit

## JAMES TALLON - DIRECT EXAMINATION

1 that, Your Honor, as Government's 10. I'm understanding we're  
2 going to record the actual presentation in the courtroom and  
3 then use the courtroom presentation for purposes of this case?

11:26:51AM 4 THE COURT: And that is admitted over the defendant's  
5 objections, which are noted.

11:26:56AM 6 MR. BRUCK: Thank you.

11:26:56AM 7 MR. WILLIAMS: Your Honor, just so you know, we're  
8 using a recording device on our screen capture, so he may need  
9 to help me.

11:27:07AM 10 THE COURT: I want you to know the rule of law in the  
11 courtroom, if technology can go wrong, it will, so we'll all  
12 be patient with this.

11:27:13AM 13 BY MR. WILLIAMS:

11:27:23AM 14 Q. And if you could, Agent Tallon, explain what we're looking  
15 at or the jury is looking at for purposes of this software,  
16 starting from the top right, there's like an overview with a  
17 bunch of red dots on it. What's that show?

11:27:39AM 18 A. Correct. Up in the top right-hand corner you'll see that  
19 there -- there's several red dots. Each one of those little  
20 red dots is where I placed the scanner in the scene. So each  
21 one of those dots is representative of one scan. The --

11:27:57AM 22 Q. Go ahead.

11:27:58AM 23 A. The cone angle that you see, the blue cone angle that's  
24 coming out from that -- the highest red dot, that represents  
25 the viewing angle that you're looking at. So if you were to

## JAMES TALLON - DIRECT EXAMINATION

1 go to the bottom of this where the photo is, and scroll around  
2 the photo, you'll notice that the little blue triangle will  
3 move, depending where you're looking.

11:28:22AM 4 Q. So the cone, that blue cone is showing the scope of vision  
5 that the -- I guess the lower panel shows as the actual  
6 depiction?

11:28:30AM 7 A. Correct.

11:28:31AM 8 Q. So if I move that around, the cone moves as well?

11:28:35AM 9 A. Correct.

11:28:36AM10 Q. I want to ask you about this shadow. What's that showing?

11:28:40AM11 A. That is the FARO in the tripod.

11:28:44AM12 Q. The light coming from behind it?

11:28:47AM13 A. That's from a streetlight.

11:28:49AM14 Q. And if I move that around, it effectively shows, what's  
15 that, what's --

11:28:58AM16 A. Yes.

11:29:02AM17 Q. And that can be -- that can zoom in and out, correct?

11:29:05AM18 A. Correct, you can use your mouse wheel or the plus minus on  
19 the left-hand side.

11:29:10AM20 Q. If I click over the actual -- or if I toggle over the  
21 actual spot, what is that sort of red area that's being shown  
22 the spot?

11:29:18AM23 A. That's showing the data that the scanner collected, the  
24 areas in which the data was collected from the scanner.

11:29:24AM25 Q. And the photograph obviously has some limitations, right,

## JAMES TALLON - DIRECT EXAMINATION

1 it can't see behind the photograph that is used here, doesn't  
2 see behind anything, just shows what any normal photograph  
3 would do?

11:29:37AM 4 A. Correct.

11:29:37AM 5 Q. I want to ask you briefly about these other pins that come  
6 up. For instance, I'm toggling over what looks like 002,  
7 outside 002. What is that pin and what is it picking up?

11:29:52AM 8 A. Basically that pin is another scan. So it's an easy way  
9 to jump from one scan to another.

11:30:00AM 10 Q. So if I double click on that, that will take me to that  
11 point in the scan?

11:30:12AM 12 A. Correct, it will take you to that point in space, then  
13 show you that panoramic image.

11:30:13AM 14 Q. As far as the other points that may be inside or in  
15 different parts of the building, those aren't restricted by  
16 walls, meaning that the pins that are seen there may be pins  
17 that are inside the building?

11:30:26AM 18 A. That is correct.

11:30:27AM 19 Q. And that's true for this overhead view in the upper right,  
20 that shows where all the pins were located within and outside  
21 the building?

11:30:35AM 22 A. Correct, sir.

11:30:36AM 23 Q. And then explain the upper left panel and what that  
24 represents relative to those pins.

11:30:42AM 25 A. Those are just thumbnail images, they're just a brief



## JAMES TALLON - DIRECT EXAMINATION

1 preview of each scan, and it's another quick way to jump to  
2 another scan.

11:30:52AM 3 Q. And can I also, by hiding this expand button, open up any  
4 one of those windows?

11:30:58AM 5 A. Correct, you can make them all, for the lack of a better  
6 word, full screen.

11:31:03AM 7 Q. So I'm going to go to the full screen, and what does this  
8 auto rotation do?

11:31:09AM 9 A. It will start rotating it.

11:31:12AM 10 Q. I'm going to press that.

11:31:15AM 11 A. It's just kind of an eye level -- well, I say eye level,  
12 but it's the level of the scanner. Spins around 360 degrees.

11:31:28AM 13 Q. Would that be true for every one of the scans?

11:31:31AM 14 A. Correct.

11:31:33AM 15 Q. I'll let that go through. So that can give you a  
16 360-degree image of the location around the scan point?

11:32:14AM 17 A. Correct.

11:32:14AM 18 Q. As far as the ability to go up and down vertically, does  
19 it take a picture that's up in the air as well as on the  
20 ground?

11:32:25AM 21 A. It does.

11:32:26AM 22 Q. So it could also toggle up and down and pick up items  
23 either on the floor or on the ceiling?

11:32:34AM 24 A. Correct, except for that white spot, which is where the  
25 tripod is, it can't see underneath itself.

## JAMES TALLON - DIRECT EXAMINATION

11:32:39AM 1 Q. So there's a limitation on the ground, meaning it can't  
2 take a picture underneath itself.

11:32:43AM 3 A. Correct.

11:32:45AM 4 Q. And then within that context, there's also, I think you  
5 said, a zoom factor, which if I hit the plus button, will zoom  
6 in as well?

11:32:55AM 7 A. Correct.

11:32:56AM 8 Q. Is there a distortion on the outside edges, if you zoom  
9 out too far?

11:33:01AM10 A. It will, it will give you effectively what's called a fish  
11 eye look.

11:33:06AM12 Q. And that's just a function of typical photography when  
13 it's 360-degree --

11:33:11AM14 A. Correct, when you have a panoramic image and zoom out that  
15 far, you will get that.

11:33:18AM16 Q. And so if Special Agent Burke wanted to go through the  
17 crime scene, she could go pin to pin and identify items in the  
18 church based on photos you took with the FARO scanner?

11:33:35AM19 A. Yes, sir.

11:33:35AM20 Q. Apart from your work inside the building taking those  
21 scans and those photographs, did you have any other role in  
22 the case?

11:33:43AM23 A. Purely helping with handing bags and any trivial means  
24 that I could help Agent Burke.

11:33:55AM25 Q. About how long did it take you to take all the scans

## JAMES TALLON - DIRECT EXAMINATION

1 inside the building?

11:34:00AM 2 A. Inside and outside it was about three hours.

11:34:04AM 3 Q. And all of that has been distilled into this web share  
4 software that you've tentatively admitted to court?

11:34:11AM 5 A. Yes, sir.

11:34:17AM 6 Q. And then finally, you reviewed all of those scans on this  
7 disk for presentation, correct?

11:34:22AM 8 A. Yes, sir.

11:34:23AM 9 Q. And does it fairly and accurately represent what you saw  
10 there that night when you were there yourself?

11:34:28AM11 A. Yes, sir.

11:34:31AM12 Q. They're photographs of what you saw personally?

11:34:32AM13 A. Yes, sir.

11:34:38AM14 MR. WILLIAMS: I have no further questions from this  
15 agent, Your Honor.

11:34:40AM16 THE COURT: Very good. Cross-examination?

11:34:45AM17 MR. BRUCK: No questions.

11:34:47AM18 THE COURT: Thank you, sir, you may step down.

11:34:54AM19 Ladies and gentlemen, it's time for our morning break.

20 Escort them back to the jury room.

11:35:01AM21 (Jury excused.)

11:35:34AM22 THE COURT: Mr. Richardson, is the FARO exhibit going  
23 to be the next?

11:35:40AM24 MR. RICHARDSON: Mr. Williams and that will be next.

11:35:42AM25 MR. WILLIAMS: Your Honor, there is a good amount of

1 items prior to that, but it will be in the next witness.

11:35:47AM 2 THE COURT: Okay. And how long will it take him  
3 to -- I'm just trying to give the family some warning,  
4 Mr. Williams.

11:35:53AM 5 MR. WILLIAMS: I think maybe 20 minutes into her  
6 testimony we'll probably get to the -- I would say between ten  
7 to 20 minutes into the testimony, we'll get to the FARO.

11:36:01AM 8 THE COURT: Let me just say again that I have, in the  
9 course of addressing evidentiary issues, Mr. Bruck raised  
10 those, that we address thoroughly, I have seen these images.  
11 And for family members and others, it may be very upsetting.  
12 And we have a victims' room and we have areas we can go  
13 that -- for folks who this may be too much to see, and there's  
14 no shame in stepping outside for this.

11:36:35AM 15 So with that, we'll take about a ten-minute break. Thank  
16 you.

11:36:38AM 17 (A recess was held at this time.)

11:36:38AM 18 (Jury not present.)

11:52:37AM 19 MS. PAAVOLA: Your Honor, if I may, before this next  
20 witness testifies, we have objections to several exhibits that  
21 we believe may be coming in, and it might be easier to take  
22 those up now.

11:52:47AM 23 THE COURT: I'm sorry, tell me what your objection  
24 is.

11:52:50AM 25 MS. PAAVOLA: I believe Exhibits 26 through 112 are

1 coming in through this witness, and we have previously filed  
2 objections in motions in limine to 13 of those photographs.

11:53:04AM 3 THE COURT: Let me understand exactly -- we're  
4 talking about images, are we talking about something contained  
5 within the FARO?

11:53:12AM 6 MS. PAAVOLA: These are photographs in addition to  
7 the FARO.

11:53:15AM 8 THE COURT: Okay. So we're now -- I want to make  
9 sure I understand, you're talking about photographs. Okay.  
10 And which are the photographs? What numbers are they?

11:53:25AM 11 MS. PAAVOLA: They are numbers 36, 56, 60, 69, 82,  
12 84, 85, 91 through 95, and 96, which is not a photograph, it  
13 is an item.

11:53:53AM 14 THE COURT: Those are the ones you're objecting to?

11:53:55AM 15 MS. PAAVOLA: Yes, sir.

11:53:55AM 16 THE COURT: Mr. Williams, can I see those?

11:53:58AM 17 MR. WILLIAMS: We had filed a written response that  
18 was --

11:54:01AM 19 THE COURT: But I need to see the images. It's hard  
20 to, as they say, a picture of a thousand words.

11:54:08AM 21 MR. WILLIAMS: Would you like me to hand up the  
22 exhibits?

11:54:10AM 23 THE COURT: Yes, just those, if you can do those  
24 numbers, or I can -- is there a way I can look at it, that  
25 would be fine too, I can find them.

11:55:20AM 1 MR. WILLIAMS: Your Honor, just to be clear, we have  
2 told the defense we do not intend to offer 96, which is a  
3 physical item, otherwise depicted in the photo in 95.

11:55:32AM 4 THE COURT: So the Government is not offering 96.

11:55:36AM 5 MR. WILLIAMS: That's correct, Your Honor.

11:55:37AM 6 THE COURT: Okay.

11:55:39AM 7 MS. PAAVOLA: Also for the record, Your Honor, we  
8 previously objected to Exhibit 80, but the Government has now  
9 redacted it, and we no longer have an objection to that.

11:55:48AM 10 THE COURT: All right, Exhibit 36. What we're going  
11 to do is I'm going to have defense counsel tell me the  
12 objection, then I want to hear from Government counsel about  
13 their response to it.

11:56:03AM 14 MS. PAAVOLA: Your Honor, I may be able to shorten  
15 this a bit. The nature of our objections to all these  
16 photographs is that they are -- the objection's under  
17 Rule 403. The exhibits all depict very graphic images, and we  
18 believe they are cumulative, particularly given the large  
19 amount of additional photographs that the Government intends  
20 to introduce and we have not objected to, as well as the  
21 complete FARO cam which is now coming in over our objection.

11:56:34AM 22 THE COURT: You have to understand, however, that I  
23 have to rule on 403, the probative value of it is an important  
24 element, so I need to examine each one of these --

11:56:44AM 25 MS. PAAVOLA: Okay.

11:56:44AM 1 THE COURT: -- to make a relevance determination,  
2 then to make a 403 balancing determination.

11:56:49AM 3 Okay. 36, Mr. Williams, do you want to tell me about that  
4 image.

11:56:55AM 5 MR. WILLIAMS: Yes, Your Honor, that captures the  
6 perspective of an item relative to -- I believe relative to  
7 where a victim was located, Mr. Dan Simmons. That angle was  
8 not captured by the FARO scan, so it is certainly indicative  
9 of intent, and where the defendant --

11:57:13AM 10 THE COURT: Is that item, is that something that the  
11 defendant allegedly left?

11:57:17AM 12 MR. WILLIAMS: Yes, Your Honor, I think it's the pack  
13 that's around his waist when he walked into the church, where  
14 he stored gun and magazines.

11:57:24AM 15 THE COURT: Exhibit 36 motion is denied. 56. And  
16 let's -- okay, go ahead, because I'm giving you general  
17 objection.

11:57:35AM 18 MR. WILLIAMS: Your Honor, that's a photo of a spent  
19 projectile. It shows several things, but the first is that  
20 type of detail is not available through the FARO scan, it  
21 simply doesn't have that level of resolution.

11:57:47AM 22 THE COURT: And it tells you what?

11:57:49AM 23 MR. WILLIAMS: Your Honor, that spent round is  
24 located where Mr. Dan Simmons was found. There's also a  
25 floor --

11:57:55AM 1 THE COURT: I'm satisfied. 56 overruled. What is  
2 Exhibit 60?

11:58:02AM 3 MR. WILLIAMS: That's a photo of a fragment that we  
4 intend to introduce as a physical item, but again, because  
5 the --

11:58:09AM 6 THE COURT: A fragment of a bullet?

11:58:12AM 7 MR. WILLIAMS: A jacket from a bullet, correct. And  
8 again, so the witness can explain what the evidence was, some  
9 minute pieces are necessary, and obviously its location near  
10 blood is indicative of the defendant's intent.

11:58:25AM11 THE COURT: 60 overruled.

11:58:28AM12 MS. PAAVOLA: Your Honor, if I could just add one  
13 point to that. The photographs that the Government is arguing  
14 show positioning relative to the victim's body, the ones we've  
15 looked at so far do not include any victims' bodies, so I  
16 don't understand how it shows you where it is --

11:58:47AM17 THE COURT: It's showing blood, which is near  
18 connected to a body; that would be the notion. So overruled.

11:58:53AM19 Okay. Next one I have is 84. Where is 69 and 82?

11:59:06AM20 MR. WILLIAMS: I believe we passed up 69.

11:59:08AM21 THE COURT: May not be in the order you gave them.  
22 It's not in order, thank you very much. And what is this?

11:59:23AM23 MS. PAAVOLA: 69, the nature of the objection is  
24 simply that it depicts first responder material which were  
25 left after the crime scene had been cleared.



11:59:34AM 1 THE COURT: Your response?

11:59:35AM 2 MR. WILLIAMS: Your Honor, there's -- underneath the  
3 chair that's depicted in photo 69 or Exhibit 69 is a hole in  
4 the wall. And so that picture is necessary for the context of  
5 where the chair is located, simply to show the first of two  
6 photos where a hole was in the wall. I believe it just shows  
7 rubber gloves that may have been left by --

12:00:00PM 8 THE COURT: We'll come back to this one. What's the  
9 next one?

12:00:03PM 10 MR. WILLIAMS: Your Honor, I will say we may not  
11 admit that, so if we don't get to it --

12:00:07PM 12 THE COURT: Yes, the presence of things, I just need  
13 to evaluate. Doesn't seem that probative, it has these other  
14 materials. I don't know.

12:00:15PM 15 So the next one is 82?

12:00:18PM 16 MR. WILLIAMS: Correct, Your Honor.

12:00:23PM 17 MS. PAAVOLA: The same objection, Your Honor, there  
18 are some first responder materials as well as graphic material  
19 in that photograph.

12:00:31PM 20 THE COURT: What are the first responders?

12:00:33PM 21 MS. PAAVOLA: I believe in the left-hand corner.  
22 Perhaps I'm wrong; sorry.

12:00:40PM 23 THE COURT: I don't see any first responder materials  
24 there. Mr. Williams, what's the purpose of 82, what does it  
25 show?

12:00:47PM 1 MR. WILLIAMS: Shows damage under a table from  
2 gunfire that would have been captured by the FARO scan.

12:00:52PM 3 THE COURT: 82 is overruled. 84? What does that  
4 show us?

12:01:02PM 5 MR. WILLIAMS: The same, Your Honor, shows damage to  
6 the underside of a table caused by gunfire, and again, that  
7 photo, I believe proximity to a victim.

12:01:10PM 8 THE COURT: It does. Anything further on that?

12:01:14PM 9 MS. PAAVOLA: No, Your Honor, the objection is simply  
10 the graphic nature of the photograph.

12:01:17PM 11 THE COURT: 84 is overruled. Next one?

12:01:21PM 12 MS. PAAVOLA: Same objection.

12:01:22PM 13 THE COURT: 85, what does this demonstrate?

12:01:26PM 14 MR. WILLIAMS: Your Honor, that shows bullet holes in  
15 a tablecloth, indicating that the defendant shot people while  
16 they were lying under the table.

12:01:33PM 17 THE COURT: I do see a glove in there, single glove,  
18 and seems an isolated matter. And the more important thing is  
19 what it depicts, so I overrule as to 85.

12:01:48PM 20 MR. WILLIAMS: Your Honor, I'll have the witness  
21 authenticate and explain that there were items left behind  
22 by --

12:01:54PM 23 THE COURT: Yes.

12:01:55PM 24 MR. WILLIAMS: -- treaters.

12:01:56PM 25 THE COURT: 91.

12:01:58PM 1 MR. WILLIAMS: Your Honor, there was a series of  
2 photos, starting with 91 through, I believe 95, which I'm  
3 going to call -- that show floor strikes, which are markings  
4 in the tile consistent with a round being fired from above.  
5 And obviously they're relevant to the defendant's positioning,  
6 his malice, and the fact that he was shooting people while  
7 they were on the ground.

12:02:19PM 8 THE COURT: I've got 91 and 95; I don't have the ones  
9 in between, 92, 3 and 4.

12:02:31PM 10 MR. WILLIAMS: Sorry, Your Honor, I'll get those.  
11 That's 92, 93 and 94, Your Honor?

12:02:38PM 12 THE COURT: Yes. So again, tell me what 91 is  
13 showing me.

12:02:51PM 14 MR. WILLIAMS: It is a mark in the floor caused by --

12:02:54PM 15 THE COURT: A bullet.

12:02:56PM 16 MR. WILLIAMS: That's what the testimony will be,  
17 Your Honor.

12:02:58PM 18 THE COURT: And 91 is overruled. 92.

12:03:03PM 19 MR. WILLIAMS: Same thing, Your Honor.

12:03:05PM 20 THE COURT: 92 is overruled. 93? Same thing?

12:03:11PM 21 MR. WILLIAMS: Same thing.

12:03:12PM 22 THE COURT: Overruled. There is obviously evidence  
23 of blood, but it's adjacent to bullet holes, and I think it's  
24 relevant for that reason. 93 is overruled. 94 overruled.  
25 95, what is that package?

12:03:32PM 1 MR. WILLIAMS: Your Honor, that's a cell phone that  
2 was on the floor and was shot through, indicating --

12:03:38PM 3 THE COURT: 95 is overruled.

12:03:41PM 4 Let's go back to 69. This one just doesn't seem to be  
5 very probative to me, and it has, you know, seems it has these  
6 items that appear to come from -- I'm going to sustain it as  
7 to 69.

12:03:56PM 8 MR. WILLIAMS: Thank you, Your Honor.

12:03:57PM 9 THE COURT: Let me hand these back to you, sir.  
10 Mr. Williams, can I give these back to you, sir?

12:04:05PM 11 MR. WILLIAMS: Yeah, we need those. Thank you.

12:04:22PM 12 THE COURT: Are we ready? Bring in the jury. Thank  
13 you.

12:04:26PM 14 (Jury present.)

12:05:31PM 15 THE COURT: Ladies and gentlemen of the jury, I want  
16 to let you know just about what time is the judge going to let  
17 us eat question, we'll go about an hour to 1:00 or shortly  
18 after 1:00 we'll break for the hour lunch break.

12:05:44PM 19 Government proceed. Next witness.

12:05:46PM 20 MR. WILLIAMS: Thank you. Government calls Brittany  
21 Burke.

12:06:18PM 22 THE CLERK: State your full name for the record,  
23 please.

12:06:20PM 24 A. Brittany Nicole Burke.

12:06:23PM 25 BRITTANY BURKE, a witness called by the Government, first

## BRITTANY BURKE - DIRECT EXAMINATION

1 having been duly sworn, testified as follows:

12:06:34PM 2 DIRECT EXAMINATION

12:06:34PM 3 BY MR. WILLIAMS:

12:06:39PM 4 Q. If you could tell the jury your name.

12:06:40PM 5 A. My name is Brittany Burke.

12:06:42PM 6 Q. Where do you work?

12:06:43PM 7 A. I am currently employed with the Tennessee Bureau of  
8 Investigations.

12:06:48PM 9 Q. What is the Tennessee Bureau of Investigations?

12:06:50PM 10 A. The Tennessee Bureau of Investigations is the state law  
11 enforcement agency for the State of Tennessee.

12:06:56PM 12 Q. What did you do before you worked with TBI?

12:07:00PM 13 A. Before I worked with TBI, I was employed with the crime  
14 scene unit at the South Carolina Law Enforcement Division here  
15 in South Carolina.

12:07:07PM 16 Q. Why did you go from SLED to Tennessee?

12:07:10PM 17 A. Tennessee was where I grew up, so I just moved back closer  
18 to my family and back closer to home.

12:07:16PM 19 Q. What did you do at SLED?

12:07:17PM 20 A. I worked as a special agent in their crime scene unit.

12:07:22PM 21 Q. Do you have any qualifications, prior to working at SLED,  
22 to sort of get into that work or to do that job?

12:07:28PM 23 A. Prior to working at SLED I was a college student, I was --  
24 I did some interning in law enforcement with the -- but that  
25 was my first actual job with law enforcement there.

## BRITTANY BURKE - DIRECT EXAMINATION

12:07:38PM 1 Q. Where did you go to college?

12:07:40PM 2 A. The University of Tennessee Chattanooga.

12:07:43PM 3 Q. What year did you graduate?

12:07:44PM 4 A. In 2012.

12:07:46PM 5 Q. When you graduated from college, you said you started with  
6 SLED?

12:07:50PM 7 A. That is correct.

12:07:50PM 8 Q. Where did you start when you went to SLED or what was your  
9 first job there?

12:07:54PM 10 A. My first job there was as a special agent in the crime  
11 scene unit.

12:07:57PM 12 Q. Do you have any special training or did you receive any  
13 special training to become a crime scene investigator?

12:08:02PM 14 A. I did, I went through an in-house training course while at  
15 SLED that included latent prints, blood splatter analysis, how  
16 to properly work and document a crime scene, along with other  
17 aspects. I also received outside training in blood splatter  
18 analysis and footwear and tire tread examination as well.

12:08:27PM 19 Q. About how many hours of training would you say you had at  
20 SLED for your position as a crime scene investigator?

12:08:35PM 21 A. Well, into the hundreds of hours of training.

12:08:38PM 22 Q. And as far as field work, how many cases would you say you  
23 worked on where you were a crime scene investigator while you  
24 were at SLED?

12:08:47PM 25 A. Well over 150.

## BRITTANY BURKE - DIRECT EXAMINATION

12:08:49PM 1 Q. And with Tennessee Bureau of Investigation, about how many  
2 there?

12:08:54PM 3 A. I have had, as far as crime scenes, I believe about three  
4 there so far.

12:08:59PM 5 Q. When did you start with TBI from SLED?

12:09:02PM 6 A. I started February of this year, so February 2016.

12:09:09PM 7 Q. If you could, explain to the jury what crime scene  
8 investigating consists of. What do you do?

12:09:18PM 9 A. Crime scene investigating consists of going into the crime  
10 scene, documenting that crime scene, which includes notes,  
11 schedules, photographs, and the -- identifying items of  
12 evidence, which can be pretty much anything, but identifying  
13 that and collecting it and packaging it so that it can be  
14 taken to the laboratory or wherever it needs to be taken for  
15 its examination.

12:09:42PM 16 Q. When you say crime scene, what type of places do you  
17 respond to? What is the sort of range of crime scene  
18 investigations?

12:09:50PM 19 A. A crime scene can occur anywhere. It can be on a street,  
20 in a field, in a house, in a place of business, it can be  
21 absolutely anywhere.

12:10:03PM 22 Q. Can you explain to the jury how SLED interacts with other  
23 agencies, whether they be state or federal?

12:10:10PM 24 A. Yes, SLED is requested by -- there will come requests from  
25 other agencies, which means that any of the agencies can call

## BRITTANY BURKE - DIRECT EXAMINATION

1 and say, hey, we need your help, can you send some people to  
2 help assist us in this matter. And then from there they can  
3 tell what type of assistance they need. So in order for me to  
4 get called, they would say we have a crime scene, we need  
5 somebody to come help us process this crime scene, and that's  
6 how I would get called to respond to something.

12:10:38PM 7 Q. As the crime scene investigator, in your experience, what  
8 resources does SLED offer that other agencies may lack?

12:10:46PM 9 A. We have numerous personnel that can help, the amount of  
10 the equipment that we have, the equipment -- the types of  
11 equipment that we have, including the FARO, are just some of  
12 the things that we can offer there.

12:11:03PM 13 Q. Do you work with agencies that may not have crime scene  
14 offices or investigators?

12:11:07PM 15 A. Yes. Very often.

12:11:09PM 16 Q. Does the City of Charleston have a fairly built up crime  
17 scene unit?

12:11:15PM 18 A. Yes, they do.

12:11:16PM 19 Q. But you sometimes help bigger agencies as well, because of  
20 the equipment or maybe the personnel you have, in major cases?

12:11:22PM 21 A. That is correct.

12:11:24PM 22 Q. Do you often work with federal agencies as well?

12:11:27PM 23 A. Yes, we have worked with several federal agencies in the  
24 past.

12:11:32PM 25 Q. And is that interaction similar?



## BRITTANY BURKE - DIRECT EXAMINATION

12:11:34PM 1 A. Yes, it's just -- works just the same.

12:11:38PM 2 Q. So I want to ask you about the case you were involved with  
3 that you're here to testify on today. How did you first get  
4 involved in this case?

12:11:48PM 5 A. I was involved -- first got involved in this case, I  
6 received a call from my lieutenant who informed me -- it was  
7 about 10:00 o'clock at night -- she informed me that there had  
8 been a shooting in which multiple victims were present here in  
9 Charleston. And she told me just be on stand-by. And then at  
10 1:00 o'clock in the morning on June 18th she called me and  
11 said, hey, there's been a shooting, it's in Charleston, we've  
12 got nine victims, and I'm going to need you to respond to  
13 that. And so that was how I became involved.

12:12:26PM 14 Q. When the case -- when you get that phone call, how is it  
15 determined who is the lead or who is supervising your part of  
16 the investigation, meaning the crime scene processing?

12:12:37PM 17 A. So the way that it works is we work in teams of two. And  
18 each team has a schedule, so it rotates which team is on call.  
19 And then it's up to that team to work it out, have who is the  
20 lead. Normally what happens is one person will take the lead  
21 on the first case, then the next case that comes in, the next  
22 person takes the lead. So in this case we had a case earlier  
23 in the week where my partner had been the lead on a case, so  
24 this time it was my turn to be lead on the case.

12:13:10PM 25 Q. Who was your partner?

## BRITTANY BURKE - DIRECT EXAMINATION

12:13:11PM 1 A. Agent Tiffany Hezel.

12:13:15PM 2 Q. As far as the amount of resources you were dispatched or  
3 deployed, who decides how many people show up?

12:13:24PM 4 A. That is decided by -- typically by our lieutenant, but it  
5 is -- there's also the responsibility of the agent on scene,  
6 if they need more help, then we can always call and request  
7 more help as needed as well.

12:13:38PM 8 Q. Did you make an initial determination of how many agents  
9 were needed when you got that phone call?

12:13:44PM 10 A. No, when I got the phone call, my lieutenant told me that  
11 she was sending me, and not just a partner that I always  
12 worked with, but other people as well.

12:13:55PM 13 Q. Who were the other people that were sent?

12:13:58PM 14 A. The other people that responded were Agent Dawn Claycomb,  
15 Agent Tre Tallon and Agent Patrick Oliphant and Haley Quam.

12:14:08PM 16 Q. So that's four plus you and Tiffany?

12:14:11PM 17 A. That's correct.

12:14:13PM 18 Q. Is that a normal number to dispatch to one case?

12:14:16PM 19 A. No, it would be very rare for us to dispatch that many  
20 people to one case.

12:14:20PM 21 Q. And from what your experience is, why would that many  
22 crime scene agents be involved?

12:14:25PM 23 A. That many crime scene agents would be involved due to the  
24 nature of the scene or the scope of the case. The only time  
25 we would -- we typically -- dispatch that many people is if

## BRITTANY BURKE - DIRECT EXAMINATION

1 there's a scene that has a large amount of evidence, victims,  
2 or if it spans -- if it were to span a large area outside  
3 would be the only reasons.

12:14:47PM 4 Q. You said the nature and the scope of the criminal  
5 activity, what was it about the nature and scope that  
6 necessitated it?

12:14:54PM 7 A. Well, the amount of victims that we had, as well as the  
8 reports of the amount of evidence that was related back to us,  
9 in Columbia, that's where we were based out of, telling us  
10 what we had here in Charleston dictated how many people we  
11 sent.

12:15:12PM 12 Q. Who was in charge of that group of people?

12:15:14PM 13 A. I was in charge of the group of people that night.

12:15:18PM 14 Q. And what does it mean to you to be in charge of that  
15 group, how do you supervise or coordinate those other crime  
16 scene investigators?

12:15:26PM 17 A. What I do, if I have something where we need to supervise  
18 or coordinate that many agents, is determine what is there and  
19 what needs to be done, and then those responsibilities are  
20 delegated out to other agents, and they're done -- while I'm  
21 making sure everything is done, one agent can be doing one  
22 particular task.

12:15:50PM 23 Q. And as the lead investigator, would you have delegated  
24 tasks to other crime scene investigators?

12:15:55PM 25 A. Yes, I would have delegated tasks such as labeling

## BRITTANY BURKE - DIRECT EXAMINATION

1 evidence or collecting evidence or taking photographs to  
2 another agent, so that I can make sure that all the tasks were  
3 done while somebody else was actually completing that  
4 particular task.

12:16:08PM 5 Q. And in this case, at least at the church, as you  
6 coordinated or delegated, did you also directly oversee the  
7 work of the other agents?

12:16:17PM 8 A. Yes, I did.

12:16:19PM 9 Q. I want to ask you, you mentioned you got called in, did  
10 you respond then to the church?

12:16:24PM 11 A. Yes, I did. I got called at approximately 1:00 a.m., and  
12 myself and Agent Claycomb responded via helicopter and arrived  
13 approximately 3:00 a.m.

12:16:38PM 14 Q. SLED has a helicopter?

12:16:39PM 15 A. Yes.

12:16:40PM 16 Q. Is it used very often?

12:16:41PM 17 A. It is used occasionally, if there's somewhere that is far  
18 enough away that warrants it and we can get there. If we can  
19 get there quicker in a helicopter and we need to get there  
20 quicker, we will take it.

12:16:55PM 21 Q. Had you taken it before?

12:16:56PM 22 A. Not to a scene, no.

12:16:58PM 23 Q. So you and the other co-case agent were transported, I  
24 guess, to Charleston?

12:17:04PM 25 A. Yes, me and one of the other agents were transported. The

## BRITTANY BURKE - DIRECT EXAMINATION

1 rest of the agents drove their vehicles, because of all of our  
2 equipment is in the vehicle, so that we had all of the  
3 equipment with us as well.

12:17:17PM 4 Q. And when you arrived to Charleston, where did you go?

12:17:21PM 5 A. When I arrived in Charleston I went to the Emanuel AME  
6 Church.

12:17:27PM 7 Q. Had you been there before?

12:17:29PM 8 A. No, I had not.

12:17:30PM 9 Q. Were you -- are you familiar with Charleston at all?

12:17:32PM 10 A. Not besides coming down for a weekend vacation and walking  
11 around, that's about it.

12:17:39PM 12 Q. So when you arrived at the church, what was your initial  
13 impression as a crime scene investigator and a supervisor?

12:17:47PM 14 A. My -- well, when I first arrived I stuck outside and  
15 talked with agents that are already there and already been in.  
16 But my initial response was that something large had happened,  
17 because there were multiple agencies on scene, multiple  
18 emergency vehicles, what was called -- what we call command  
19 center, which is kind of like a mobile home that's a mobile  
20 office that can be brought and set up so we have somewhere to  
21 work, there was set up outside, and so I knew that something  
22 large scale had to have happened at that point.

12:18:27PM 23 Q. And were you already assigned as the crime scene  
24 investigator, or had that not been determined yet?

12:18:33PM 25 A. I was already assigned as the lead crime scene

## BRITTANY BURKE - DIRECT EXAMINATION

1 investigator prior to us leaving. And then when I got there I  
2 was -- it was unsure on the way there if I was going to be  
3 assisting or SLED would be taking the lead on the case. When  
4 I got there, I was told that SLED would be taking the lead on  
5 the crime scene investigation at that point.

12:18:54PM 6 Q. So explain that, if you can, to the jury. You mentioned a  
7 little bit sort of cooperative efforts with other agencies,  
8 whether it be the city police department or the FBI. Were  
9 tasks in this case divided up according to resources?

12:19:09PM 10 A. Yes, tasks were divided, but according to resources, I  
11 believe that that was made by my supervisors and at a higher  
12 level than me. Those decisions were made, and so tasks were  
13 kind of -- there was a lot to do, tasks were delegated where  
14 people were needed.

12:19:31PM 15 Q. So what was delegated specifically to you and your team?

12:19:34PM 16 A. The crime scene at the church was delegated to us.

12:19:38PM 17 Q. So when you arrived and were then given that task, what  
18 was your first impression of the church and what would need to  
19 be done?

12:19:48PM 20 A. Well, the first thing that we start doing is taking  
21 overall photographs of the outside of the church. The outside  
22 of the church just looked like the outside of a church you  
23 would expect it to look. But then we began moving inside and  
24 seeing numerous items of evidence and all. And so we knew all  
25 that was going to have to be documented and collected and

## BRITTANY BURKE - DIRECT EXAMINATION

1 photographed and sketching and notes and all the things that  
2 we normally do were going to have to be done there.

12:20:18PM 3 Q. Let me back up a little bit. When you first show up, do  
4 you start taking photographs or do you do sort of an overall  
5 walk through of the area to assess it for resources, needs?

12:20:28PM 6 A. We walk through and assess the area, and then as we -- as  
7 we do that, we're taking -- we'll take photographs of the --  
8 as well. But we walked through to make sure that we know  
9 where we can walk, so that there's items of evidence, we know  
10 that they're there prior to us walking through trying to take  
11 photographs as well.

12:20:47PM 12 Q. So tell the jury what your initial impression was in that  
13 first walk through. What you saw just generally.

12:20:57PM 14 A. When I started the initial walk through inside the church,  
15 my initial impression was that it was very hectic. We had  
16 multiple victims, multiple items of evidence that there were  
17 evidence of gunshots throughout the church, it was actually --  
18 mostly contained in one room, but you could see them in walls,  
19 in ceilings and things like that nature as well. So it was  
20 very overwhelming the amount of evidence that was there and  
21 that would have to be collected at that time.

12:21:35PM 22 Q. Let me ask you about that first impression with regard to  
23 prior activity that may have occurred. Do you have any  
24 experience in identifying whether a scene has or has not been  
25 disturbed prior to your arrival?

## BRITTANY BURKE - DIRECT EXAMINATION

12:21:49PM 1 A. Yes, I did.

12:21:50PM 2 Q. What type of things do you look for or identify to  
3 determine whether something has been disturbed or moved on a  
4 crime scene?

12:21:57PM 5 A. There are many different things you can look for. You can  
6 look for if there is blood present on the scene, you can look  
7 and see if the -- if there is movement through that blood, or  
8 if something has been moved that is not consistent with where  
9 the blood is. Same with dirt or dust or anything like that.  
10 And then as well as just what the scene looks like, and does  
11 that make sense for what you're seeing, like does the -- are  
12 there bullet holes somewhere on a wall, but you have to move a  
13 cabinet to get to see them, and there's no bullet hole in the  
14 cabinet. Things like that, that make things make sense how  
15 they're supposed to look.

12:22:44PM 16 Q. And when you arrived, were you debriefed by the local  
17 officers about what had occurred regarding the crime scene and  
18 its security?

12:22:52PM 19 A. Yes, I was. I was -- I spoke with Charleston police  
20 department, who stated that they had been through the church,  
21 that the building had been cleared to make sure that there was  
22 nobody in it. And they informed me that there was some damage  
23 to one of the doors in the church, that they had broken  
24 through the door to make sure that nobody was in that office,  
25 and the door had been locked prior to them breaking through



## BRITTANY BURKE - DIRECT EXAMINATION

1 the door.

12:23:21PM 2 Q. How about the use of any kind of rescue or emergency  
3 services?

12:23:28PM 4 A. Yes, I believe leads had been placed on all of the victims  
5 to determine if they had had a pulse. I was told that  
6 emergency rescue personnel had been there previously and had  
7 checked all the victims for signs of life.

12:23:42PM 8 Q. And what's a lead?

12:23:44PM 9 A. I call it a lead, it's a little sticky pad that sticks on  
10 that they then attach to their machine to that tells me if  
11 there are any signs of life present.

12:23:53PM 12 Q. From your, at least initial assessment, and maybe later  
13 assessment, did it appear that the rescue services had moved  
14 any of the bodies much, if at all?

12:24:01PM 15 A. There was evidence that they had moved some of the bodies.  
16 There were some that were -- that did appear that they were in  
17 their original position, but clothing of some of the victims  
18 had been cut, which signified that they had moved the body in  
19 order to determine if there was any signs of life.

12:24:21PM 20 Q. And is that -- I'm going to guess that if a fireman or an  
21 EMT is running through there, they could disturb other things,  
22 kick a shell casing, step in blood, was there any indications  
23 of that from the initial crime scene?

12:24:35PM 24 A. There -- everything was so chaotic as far as the placement  
25 of cartridge casings and all. It would be hard to tell if

## BRITTANY BURKE - DIRECT EXAMINATION

1 something had been kicked around. However, it is definitely  
2 possible. It is possible, and their first priority is to  
3 determine there is nobody else in the building that causes a  
4 threat to somebody, and that their -- and to make sure that  
5 anybody that needs medical attention gets that medical  
6 attention. So that's their first priority, so it's very  
7 possible that things could get kicked during that.

12:25:05PM 8 Q. When you say chaotic, you mean that there was a lot of  
9 activity or that there was a lot of evidence?

12:25:11PM 10 A. I mean that there was a lot of evidence and it was spread  
11 throughout the room, it was not in a central location, as if  
12 there had been movement. During the event that took place.

12:25:25PM 13 Q. So there was evidence spread around. When you say -- what  
14 do you mean by evidence spread around?

12:25:30PM 15 A. There were cartridge cases and magazines and projectiles  
16 is mainly what I mean by evidence, and they were all around  
17 the room, they weren't in one centralized location. The  
18 magazines and the cartridge cases were around the whole room,  
19 which was -- which is indicative of somebody that would be  
20 moving as they were shooting or changing these magazines. And  
21 so there was a lot of movement and chaos through that portion  
22 of it.

12:25:56PM 23 Q. So your word chaos is reflective of what you perceived had  
24 happened in the room, not what was going on when you were  
25 there?

## BRITTANY BURKE - DIRECT EXAMINATION

12:26:04PM 1 A. I would call it indicative of both.

12:26:06PM 2 Q. Okay. So let me ask you, you say that you did a first  
3 general walk through of the scene. Did anything jump out at  
4 you, apart from what you said, which was it was going to take  
5 a lot of crime scene processing?

12:26:21PM 6 A. Aside from the sheer amount of evidence and the number of  
7 victims that were there, just the -- just the -- there was a  
8 black Messenger bag that was there on the floor, and a belt  
9 that stood out as being out of place. But other than that,  
10 there was not anything that jumped out particularly.

12:26:44PM 11 Q. Is there any -- what is a challenge when you're dealing  
12 with that volume of evidence, what is -- how do you account  
13 for that specific challenge, if there is any?

12:26:53PM 14 A. The challenge is that the time that it takes to just  
15 document and collect it. You want to be thorough, and you  
16 have to label each item and then photograph it and then  
17 collect it and document it at that point in time, would be the  
18 main challenge there.

12:27:08PM 19 Q. Did you feel like you had the adequate personnel and  
20 people on hand to get through that process, albeit a long one?

12:27:14PM 21 A. Yes, we did.

12:27:15PM 22 Q. So explain to the jury, if you can, what the assignments  
23 were for the team members that responded to process that crime  
24 scene.

12:27:24PM 25 A. So Agent Claycomb, Dawn Claycomb, was taking photographs,

## BRITTANY BURKE - DIRECT EXAMINATION

1 and Agent Haley Quam was helping me identify evidence within  
2 the scene. They both were then sent and they cleared the  
3 scene early, because we -- it became apparent to us that we  
4 were going to have autopsies the next morning. So they both  
5 handed off their job to somebody else. Agent Claycomb handed  
6 off taking photographs to Agent Oliphant, and he continued  
7 that, and Agent Quam handed off her jobs to Agent Hezel, who  
8 helped -- who also helped me document the evidence. That was  
9 in the same -- and they went to get some sleep, so we would  
10 have additional personnel to continue the next day. And Agent  
11 Tallon's job was mainly to run the FARO and help with the  
12 collection of evidence as well.

12:28:21PM 13 Q. So if you can, explain to the jury, I think you said that  
14 the first step is that sort of walk through to get an overview  
15 of the scene and assess what resources are needed. What is  
16 the actual first step in following steps in processing a  
17 crime, what's the first thing you do and how is it followed  
18 up?

12:28:40PM 19 A. The first thing we do is take our photographs, we take  
20 photographs of the scene, exactly as it is when we get there.  
21 This shows what was there, what everything looked like before  
22 we touch anything. Then we start with our identification of  
23 evidence, and then we'll place markers beside it. And in this  
24 case we used yellow evidence markers, but we ran out of those,  
25 so we then used index cards that were folded into little tents

## BRITTANY BURKE - DIRECT EXAMINATION

1 that we wrote on as well. And so those would -- are then  
2 marked and photographed. And then if we're going to run a  
3 FARO, which was 3-D scanner, to scan the scene, then that will  
4 be run.

12:29:26PM 5 Any additional evidence is looked for and searched. This  
6 could include anything that's in walls, doors, under anything,  
7 things of that nature. And then evidence is collected and  
8 packaged and sealed so it can be taken back to the lab.

12:29:45PM 9 Q. Let me make sure I have this right. Photograph everything  
10 without any kind of placards or signs, first thing you do?

12:29:52PM 11 A. Yes, that's correct.

12:29:53PM 12 Q. And how do you do that? Do you just walk the floor and  
13 people identify what they think is relevant evidence? What's  
14 the process of locating that evidence in the room?

12:30:02PM 15 A. The process of locating the evidence in the room is by  
16 conducting a search. And the search really depends on what  
17 the room -- what the room entails. So if you're in the middle  
18 of an open field, then you can do a line search, but if you're  
19 in a room, say a room such as this one that has lots of rows  
20 and pews, you might have to conduct your search that you can  
21 look under and around more items.

12:30:31PM 22 So that's how the -- we do it, we walk around and we  
23 determine what the best way to search that room is. And I  
24 believe in this case we each took an area of the room to  
25 search and divided it into smaller areas for us to search, and

## BRITTANY BURKE - DIRECT EXAMINATION

1 then people would place their markers on the items of evidence  
2 they found there.

12:30:50PM 3 Q. So it's walk through, photograph, set placard down?

12:30:54PM 4 A. That is correct.

12:30:55PM 5 Q. And then is it photographed after the placard is down as  
6 well?

12:30:59PM 7 A. Yes, it is.

12:30:59PM 8 Q. And these placards, you said you ran out, or at least had  
9 to create some that aren't typical. Are those recorded so you  
10 can log evidence? What's the point of putting a placard down?

12:31:11PM 11 A. So the point of putting a placard down, so that in a  
12 photograph you can identify it, for one. Because if I have a  
13 small piece of evidence and I want to take a picture of it so  
14 you can see as best as possible, that's not going to be able  
15 to be able to take it from far away, you're going to have to  
16 be close up.

12:31:30PM 17 So for photographic purposes, and then also for our  
18 sketch, because we do a sketch so that you can -- in this case  
19 the -- we use letters. So you can put an A on your sketch  
20 where that item of evidence was, and then B where the next one  
21 was, and that kind of helps you to keep from drawing things  
22 in, that would -- people have to draw whatever the item of  
23 evidence is, and to conserve space on there as well.

12:31:57PM 24 Q. And what was the, just generally speaking, the types of  
25 evidence you all were locating as you walked through the crime

## BRITTANY BURKE - DIRECT EXAMINATION

1 scene?

12:32:03PM 2 A. Generally what we found were cartridge cases, bullets or  
3 fired projectiles and bullet fragments. And then magazines,  
4 and then a bag and a belt.

12:32:20PM 5 Q. Were there other personal items around there that you  
6 would have attributed to victims as well?

12:32:26PM 7 A. There were. There were many other personal items,  
8 especially in the area where the victims were located. They  
9 had items that you would expect to find with them such as  
10 their bags, their purses, their Bibles, their cell phones,  
11 things of that nature were also present.

12:32:45PM 12 Q. And just to go back to the process, once you put a placard  
13 down and take a photo, you then pick those items up and bag  
14 them?

12:32:54PM 15 A. That is correct.

12:32:55PM 16 Q. And what if you pick something up, like say there's a book  
17 on the ground and you pick it up and there's something  
18 underneath it, how do you deal with that?

12:33:03PM 19 A. So what we would then do is we photograph everything  
20 before we pick it up, so then we would remove that, once we  
21 pick up that item we would then take a photograph of the item  
22 that is underneath it. It may not have an evidence marker  
23 placed next to it, but would say if it was, say a book, it  
24 would be evidence found underneath name of book, so that there  
25 you could identify where it came from.

## BRITTANY BURKE - DIRECT EXAMINATION

12:33:32PM 1 Q. And once all those items are collected, you said you  
2 preserve them for analysis later?

12:33:38PM 3 A. That is correct.

12:33:39PM 4 Q. And that was your job in this case as well?

12:33:41PM 5 A. Yes.

12:33:45PM 6 Q. About how long did it take for you all to process the  
7 church crime scene?

12:33:49PM 8 A. I believe it took about eight or nine hours.

12:33:55PM 9 Q. That was overnight?

12:33:57PM 10 A. Yes, that was overnight.

12:33:58PM 11 Q. And you talked about running out of placards. Do you have  
12 a general idea about how many small pieces of evidence or  
13 items you collected from that crime scene?

12:34:09PM 14 A. I believe it was about 117.

12:34:15PM 15 Q. Are some of those pretty small?

12:34:17PM 16 A. Yeah, some of those are very small. Pieces of evidence  
17 can be anything from very large to a really tiny piece the  
18 size of a pin head, or sometimes some evidence can even be  
19 microscopic in nature.

12:34:31PM 20 Q. So I want to ask you, I want to go back a little bit and  
21 talk about the exterior of the church. You said that was the  
22 first area you examined?

12:34:40PM 23 A. It was the first area that we walked around to see what  
24 was present. Yes.

12:34:54PM 25 Q. I show you Government's proposed Exhibits 26 to 36, if you



## BRITTANY BURKE - DIRECT EXAMINATION

1 could look through those quickly. Are those photographs that  
2 you took?

12:35:54PM 3 A. Yes. Well, they were taken in our division.

12:35:58PM 4 Q. So you would have seen that area that night?

12:36:00PM 5 A. That is correct.

12:36:01PM 6 Q. Do they fairly and accurately represent the way the  
7 outside of the church looked on June 17?

12:36:06PM 8 A. Photo 36 represents the inside of the church.

12:36:09PM 9 Q. Sorry. So 26 through 35 are the exterior?

12:36:14PM 10 A. Yes, sir.

12:36:15PM 11 MR. WILLIAMS: I show these to defense counsel.

12:36:26PM 12 MS. PAAVOLA: No objection.

12:36:27PM 13 THE COURT: Government Exhibits 26 through 35 are  
14 admitted without objection.

12:36:31PM 15 (Government Exhibits 26 through 35 received.)

12:36:32PM 16 MR. WILLIAMS: Thank you, Your Honor.

12:36:33PM 17 BY MR. WILLIAMS:

12:36:33PM 18 Q. I'm going to put up on the screen in front of you -- Is it  
19 Agent Burke?

12:36:37PM 20 A. Yes, correct.

12:36:38PM 21 Q. Agent Burke, I'm going to put up 26. Can you explain to  
22 the jury what Exhibit 26 shows?

12:36:47PM 23 A. Exhibit 26 shows the outside of the front of the church  
24 building.

12:36:53PM 25 Q. Do you know what road that fronts on to?

## BRITTANY BURKE - DIRECT EXAMINATION

12:36:56PM 1 A. Calhoun Street.

12:36:57PM 2 Q. Do you know if that front door, there's a gate there, do  
3 you know if that was, or the -- there's a door up on the  
4 stairs and one at the lower. Do you know if those were open  
5 or closed?

12:37:07PM 6 A. The doors were all closed, and this gate down here at the  
7 bottom was also locked.

12:37:13PM 8 Q. And that when you say this gate, that's the one in the  
9 middle of the picture?

12:37:16PM 10 A. Yeah, I'm sorry, the one in the middle of the screen.

12:37:20PM 11 Q. I'm going to go to Government's 27. What does that show?

12:37:27PM 12 A. This shows the side view of the church.

12:37:30PM 13 Q. And if you were facing the church, is that the right side  
14 of the church?

12:37:33PM 15 A. It's the right side of the church.

12:37:37PM 16 Q. Did you look at any evidence or anything of value in this  
17 area or the area on 26?

12:37:43PM 18 A. No, we did not.

12:37:47PM 19 Q. I'm going to go to 28. This is the other direction, the  
20 other side of the front of the church?

12:37:55PM 21 A. That is correct.

12:37:56PM 22 Q. And again, facing it?

12:37:57PM 23 A. Yes, it's facing it from Calhoun Street just from the  
24 opposite side.

12:38:01PM 25 Q. And there's like a gate there, too, and looks like a door.

## BRITTANY BURKE - DIRECT EXAMINATION

1 Was that gate open when you arrived?

12:38:07PM 2 A. Yes, it was.

12:38:08PM 3 Q. And were there any other doors in the front that you could  
4 tell were open or unlocked?

12:38:12PM 5 A. No. There were not.

12:38:14PM 6 Q. And again, was there any kind of evidence you found in  
7 that area or in the front of the church?

12:38:20PM 8 A. No, there was not.

12:38:23PM 9 Q. I'm going to go to Government's 29. This is the side of  
10 the church, the other side?

12:38:31PM 11 A. That is correct.

12:38:32PM 12 Q. And explain to the jury what this picture shows.

12:38:35PM 13 A. This picture shows the cross, and then you can see the  
14 gate to the left of that cross. That gate ends in a parking  
15 lot that is on the left side of the church.

12:38:50PM 16 Q. Do you recall if there was any evidence located in -- sort  
17 of that area of the parking lot?

12:38:54PM 18 A. Not in the front area that can be seen there.

12:38:57PM 19 Q. I'm going to put up Government's 30. Can you explain to  
20 the jury what that shows?

12:39:03PM 21 A. This is again the left side of the church, and that is a  
22 door that enters into the fellowship hall or the church down  
23 there.

12:39:13PM 24 Q. And it looks like there's two -- I'm going to say porch  
25 lights or two lights there, floodlights. Are those located

## BRITTANY BURKE - DIRECT EXAMINATION

1 over doors?

12:39:23PM 2 A. That is correct, they're located over the two side doors  
3 of the church.

12:39:26PM 4 Q. And those two side doors both lead into -- I think you  
5 called it the fellowship hall?

12:39:31PM 6 A. Yes, that is -- well, the second door leads into an  
7 entryway that then leads into the fellowship hall.

12:39:38PM 8 Q. And at least with regard to this door, was there any  
9 evidence located in that area?

12:39:42PM 10 A. No, there was not.

12:39:44PM 11 Q. I'm going to put up 31. Can you explain what that shows?

12:39:51PM 12 A. This shows the second door of -- on the left side of the  
13 church, the one that's furthest from Calhoun Street, as well  
14 as back behind it is the parking lot behind the church.

12:40:04PM 15 Q. I'm going to go to 32. What does that depict?

12:40:10PM 16 A. This is the same door that was in the last picture, it's  
17 just a view looking directly at it.

12:40:16PM 18 Q. And you testified earlier that there wasn't any evidence  
19 located in the earlier exhibits. Was there some evidence  
20 located in this area?

12:40:24PM 21 A. Yes, there was.

12:40:25PM 22 Q. Can you explain just briefly what it was?

12:40:27PM 23 A. Yes, there was blood located outside this door on -- you  
24 can kind of see there's a yellow line and there's a step down.  
25 It was up on that step, and then just on that white part below

## BRITTANY BURKE - DIRECT EXAMINATION

1 that as well.

12:40:44PM 2 Q. Do you know if any victims were transported out through  
3 that area?

12:40:47PM 4 A. Yes, EMS provided information that the victim they  
5 transported was transported out this door.

12:40:56PM 6 Q. I'm going to go to Exhibit 33. What does that show?

12:41:00PM 7 A. This shows the parking lot that was behind the church.

12:41:04PM 8 Q. Was there any evidence located back there?

12:41:06PM 9 A. No, there was not.

12:41:07PM 10 Q. 34, same area, different view?

12:41:13PM 11 A. That is correct.

12:41:14PM 12 Q. And then I'm going to go to 35. What does that show?

12:41:19PM 13 A. This is the rear of the church going back down the left --  
14 I'm sorry, if you're looking at it from the street, the right  
15 side of the church.

12:41:28PM 16 Q. So that scaffolding that's in the background is the same  
17 scaffolding we saw from the earlier exhibits on the side of  
18 the church?

12:41:34PM 19 A. That is correct, we take photographs all the way around,  
20 so the first -- where you saw the scaffolding would be that  
21 side of the church, and we just went all the way back around  
22 until you could see the scaffolding again.

12:41:47PM 23 Q. And apart from the blood that was located outside the back  
24 door, the back of the parking lot, was there any other  
25 evidence you located in the parking lot or the shrubs, garbage

## BRITTANY BURKE - DIRECT EXAMINATION

1 can or anything that was helpful?

12:42:00PM 2 A. No, there was not.

12:42:10PM 3 Q. I want to ask you a little bit about the interior of the  
4 church. You mentioned personal items that were found in the  
5 church. Were you able to look at tables and see items that  
6 were on the tables where the victims were located?

12:42:23PM 7 A. Yes, we were.

12:42:25PM 8 Q. I'm going to show you Government's 87, 88, 89 and 90. If  
9 you look at those. Do you recognize those photos?

12:42:56PM 10 A. Yes, I do.

12:42:57PM 11 Q. Are those photos of the table?

12:42:59PM 12 A. Yes, they are.

12:43:00PM 13 Q. Does it accurately represent what you saw that night?

12:43:02PM 14 A. It does.

12:43:04PM 15 MR. WILLIAMS: Show this to defense counsel, Your  
16 Honor.

12:43:12PM 17 MS. PAAVOLA: No objection.

12:43:14PM 18 THE COURT: Government Exhibits 87 through 90 are  
19 admitted without objection.

12:43:17PM 20 (Government Exhibits 87 through 90 received.)

12:43:18PM 21 MR. WILLIAMS: Thank you, Your Honor.

12:43:18PM 22 BY MR. WILLIAMS:

12:43:19PM 23 Q. I'm going to put up Government's 87 first. We'll get back  
24 later to sort of what magazines and things are, but were there  
25 several tables, round tables in the center of the fellowship

## BRITTANY BURKE - DIRECT EXAMINATION

1 hall?

12:43:34PM 2 A. Yes, there were.

12:43:35PM 3 Q. And is that generally where the victims were located?

12:43:38PM 4 A. Yes, they were generally located around the area where the  
5 circular tables were.

12:43:43PM 6 Q. And in this location at 87, looks like there was a sheet,  
7 an open Bible and a magazine?

12:43:50PM 8 A. That is correct.

12:43:52PM 9 Q. Go to Government's 88; that was another of the tables?

12:43:59PM 10 A. I'm sorry?

12:44:01PM 11 Q. That was one of the other tables?

12:44:02PM 12 A. Yes, it was.

12:44:03PM 13 Q. And again, looks like notes and Bibles and some papers on  
14 the table?

12:44:08PM 15 A. That is correct.

12:44:14PM 16 Q. I'm going to go to Government's 89. This is a third  
17 table, looks like you had some personal items?

12:44:23PM 18 A. Yes, that is correct.

12:44:26PM 19 Q. And the last one is Government's 90. That again shows one  
20 of the tables to the side, and then some Bibles and things on  
21 the table?

12:44:42PM 22 A. Yes, that is correct.

12:44:49PM 23 Q. So you talked about personal items that were there. You  
24 also mentioned shell casings, magazines, and what I think you  
25 said were fired rounds?

## BRITTANY BURKE - DIRECT EXAMINATION

12:44:58PM 1 A. Yes, that is correct.

12:45:00PM 2 Q. Can you explain what those things are?

12:45:02PM 3 A. I can. So a shell casing or a cartridge case is ejected  
4 from a gun after it is fired. It's the part that actually  
5 holds a bullet that you load into the gun and then it's fired.  
6 The fired projectile is the part that actually comes out of  
7 the gun that is fired from the gun afterwards.

12:45:27PM 8 Q. I'm going to show you Government's proposed 49. Would  
9 that be helpful to your explanation?

12:45:34PM 10 A. Yes, it would be.

12:45:35PM 11 MR. WILLIAMS: Show this to defense counsel.

12:45:42PM 12 MS. PAAVOLA: No objection.

12:45:43PM 13 THE COURT: Government 49 admitted without objection.

12:45:45PM 14 (Government Exhibit 49 received.)

12:45:47PM 15 BY MR. WILLIAMS:

12:45:49PM 16 Q. So let me make sure I have this straight. There's a  
17 firearm; is there a difference between a semiautomatic firearm  
18 and a revolver?

12:45:57PM 19 A. Yes, there is. A revolver has a cylinder and you load  
20 your bullets or your cartridges into it. And they do not  
21 eject the cartridge cases once they have been fired.

12:46:10PM 22 Q. You say revolver, that's a gun like the middle part spins,  
23 right?

12:46:13PM 24 A. That's correct.

12:46:14PM 25 Q. And a semiautomatic is the type that has a slide or a



## BRITTANY BURKE - DIRECT EXAMINATION

1 squared top?

12:46:18PM 2 A. Yes, that is correct.

12:46:19PM 3 Q. And so explain the difference again about how the  
4 cartridge or a casing would be ejected or automatically loaded  
5 in those two different types of guns, specifically a  
6 semiautomatic.

12:46:35PM 7 A. So -- Can you repeat that? I'm sorry.

12:46:42PM 8 Q. Explain sort of why a casing would be ejected from a  
9 semiautomatic handgun versus a revolver.

12:46:47PM 10 A. Okay. So what happens is, is that when -- semiautomatic,  
11 after it is fired, the bullet goes out of the front of the  
12 gun, and there's a little pin inside the gun that takes the  
13 cartridge case and tosses it out the side of it, so that the  
14 next cartridge can go ahead and come into it. Whereas a  
15 revolver, it -- they stay in there and that little spinning  
16 part just clicks over to the side that it doesn't eject them.

12:47:18PM 17 Q. And are the rounds loaded into magazines, or clips, as  
18 they might be called?

12:47:22PM 19 A. Yes. In a semiautomatic handgun there's a magazine that  
20 has to be inserted in that contains those cartridges, so that  
21 the next one can be fit into the gun when the cartridge case  
22 ejects.

12:47:38PM 23 Q. Let's talk about Exhibit 49. At least when it comes to  
24 evidence collections, what are the parts of a round or a -- I  
25 guess a bullet that you recover?

## BRITTANY BURKE - DIRECT EXAMINATION

12:47:51PM 1 A. The parts that we recover are the cartridge case, and then  
2 the bullet itself or the fired projectile.

12:47:58PM 3 Q. Are there components to a fired projectile?

12:48:01PM 4 A. Depending on the type of the bullet that is used, or fired  
5 projectile or cartridge that's used there, then yes, there can  
6 be some -- some fired projectiles have a jacket, it's a copper  
7 part that's on the outside of the lead that actually makes up  
8 the bullet itself, and those can come apart if the bullet  
9 strikes something. So, therefore, you might have the jacket  
10 part and then the actual lead bullet part itself.

12:48:29PM 11 Q. So in this, in Exhibit 49 looks like there's a copper  
12 colored coating over the lead. That would be a jacketed  
13 round, and in this case when it covers it, a full metal jacket  
14 for the round?

12:48:43PM 15 A. This would be a jacketed round there.

12:48:48PM 16 Q. And so that's the copper color is the jacket and the gray  
17 part is the lead, and those two are fired?

12:48:55PM 18 A. Yes, that is correct.

12:48:56PM 19 Q. And then the other sort of more the bigger copper part,  
20 that's the casing. Is that right?

12:49:02PM 21 A. Yes, the bigger golden color part that extends down below  
22 and around that copper, that copper colored part is the  
23 cartridge case there.

12:49:13PM 24 Q. And you find evidence of all three of those pieces, and  
25 did you find evidence of all three of those parts in this

## BRITTANY BURKE - DIRECT EXAMINATION

1 case?

12:49:22PM 2 A. Yes, we did.

12:49:23PM 3 Q. So you found casings, what I'm going to call the core or  
4 bullet, lead, and also jackets?

12:49:29PM 5 A. That is correct.

12:49:29PM 6 Q. I'm going to ask you about the idea of a hollow point.  
7 Does that make any difference in collecting evidence in terms  
8 of how they fragment?

12:49:39PM 9 A. It does make some difference as far as fragmentation or  
10 the shape they can be in when they're found. A hollow point  
11 bullet means that the nose or the tip of it has basically a  
12 hole or a hollow point in it which can cause them to deform  
13 more when they are -- strike another object.

12:50:05PM 14 Q. So what I want to ask you about next is the process of  
15 going through and documenting the scene, and I think you  
16 mentioned that you used a FARO scan?

12:50:16PM 17 A. Yes, that is correct.

12:50:17PM 18 Q. Have you reviewed that FARO scan?

12:50:19PM 19 A. Yes, I have.

12:50:20PM 20 Q. And Agent Tallon is the one that put that together?

12:50:26PM 21 A. Yes, he is.

12:50:24PM 22 Q. Does it represent the scene accurately?

12:50:26PM 23 A. Yes, it does.

12:50:27PM 24 Q. And are you generally familiar with how to navigate that  
25 software?

## BRITTANY BURKE - DIRECT EXAMINATION

12:50:31PM 1 A. Yes, I am.

12:50:32PM 2 Q. What I'm going to do is go to Government Exhibit 10, and  
3 I'm going to have to mess with some software, so if you give  
4 me a second.

12:50:45PM 5 THE COURT: Mr. Williams, how long will this  
6 particular portion take?

12:50:48PM 7 MR. WILLIAMS: Probably a good time to break; it's  
8 going to take awhile.

12:50:51PM 9 THE COURT: Why don't we break for lunch and do this  
10 after lunch. We're going to break for our lunch hour, it's  
11 about ten to, we'll reconvene at about ten to 2:00.

12:51:02PM 12 (Jury excused.)

12:51:37PM 13 THE COURT: Very good. We will reconvene in about an  
14 hour.

12:51:45PM 15 (A recess was held at this time.)

2:00:18PM 16 (Jury not present.)

2:00:22PM 17 THE COURT: Yes, sir, Mr. Bruck, you have a matter  
18 you need to address?

2:00:25PM 19 MR. BRUCK: Yes, sir. In light of the colloquy this  
20 morning with the Court, I find the need to confer with my  
21 client after court this evening, and would, therefore, simply  
22 going to ask that, if possible, the Court break earlier rather  
23 than later today. I realize it will depend on the witnesses  
24 and the testimony, but we have a particular need to have some  
25 time with the client. I have a particular need to talk with

## BRITTANY BURKE - DIRECT EXAMINATION

1 my client this evening, and hope that the Court would be so  
2 good as to accommodate that.

2:00:57PM 3 THE COURT: Well, why can't you speak to him after  
4 court?

2:01:01PM 5 MR. BRUCK: Well, I can, the question is we also have  
6 to prepare for tomorrow, and I'm hoping --

2:01:06PM 7 THE COURT: I understand, but there's a lot of moving  
8 parts to this thing, and there are things I can't do during  
9 the trial other than during trial, and there are things we can  
10 do after trial, and one of them is conferring with our clients  
11 and preparing witnesses. You know, I'm not going to keep us  
12 here inordinately, Mr. Bruck, I need to keep this trial  
13 moving. But I'm going to do that, but when the proper time to  
14 break, we will break, and I think you should have ample time  
15 with your client.

2:01:34PM 16 Okay. Let's bring the jury in.

2:02:23PM 17 (Jury present.)

2:02:42PM 18 THE COURT: Government continue its direct.

2:02:45PM 19 MR. WILLIAMS: Thank you, Your Honor.

2:02:45PM 20 BY MR. WILLIAMS:

2:02:49PM 21 Q. Agent Burke, I believe before the break we were talking  
22 about the FARO scan, and that that was an item that Tre Tallon  
23 could use to process the scene?

2:02:59PM 24 A. That is correct.

2:03:00PM 25 Q. And you're familiar with that -- those scans and the

## BRITTANY BURKE - DIRECT EXAMINATION

1 software used?

2:03:04PM 2 A. Yes, I am.

2:03:05PM 3 Q. I'm going to bring up what's a derivative of Government's

4 10. And does that look familiar to you?

2:03:22PM 5 A. Yes, it does.

2:03:23PM 6 Q. And I think there's three screens, right, one shows the  
7 overhead, one shows individualized scans, and the other is the  
8 blow-up or the active screen of the scan?

2:03:33PM 9 A. That is correct.

2:03:34PM 10 Q. I'm going to expand the lower screen. Could you tell the  
11 jury what is depicted in this picture?

2:03:46PM 12 A. This is the outside of the church.

2:03:47PM 13 Q. And you had testified earlier through the photographs as  
14 to the outside of the church, correct?

2:03:52PM 15 A. That is correct.

2:03:52PM 16 Q. Is there anything additional in these scans and the  
17 outside that would be captured, that wasn't in those earlier  
18 photos?

2:03:59PM 19 A. No, there is not.

2:04:00PM 20 Q. So I'm not going to go through the whole parking lot, but  
21 I'm going to skip over to near the door at pin number two.  
22 I'm going to toggle over, I believe you said there was some  
23 blood in some items outside the door. Is that depicted in  
24 that scan?

2:04:24PM 25 A. Yes, it is.

## BRITTANY BURKE - DIRECT EXAMINATION

2:04:25PM 1 Q. Can you also explain the yellow marker on the ground  
2 there?

2:04:30PM 3 A. The yellow marker is when those yellow evidence tents that  
4 I spoke about earlier, it's what we use to mark evidence. In  
5 this case they were given a letter, so that marker would have  
6 a letter on it that lets us know what item of evidence that  
7 is.

2:04:50PM 8 Q. I'm going to go to pin number three. What does this area  
9 depict?

2:04:59PM 10 A. This area depicts just as you enter the door of the  
11 church, turns to a little entryway that you step into there.

2:05:08PM 12 Q. I'm going to put this onto the 360 rotation. I'm going to  
13 scroll down to the floor area. Can you tell the jury what  
14 generally was located in that area?

2:06:10PM 15 A. What was located in this area was a pool of suspected  
16 blood there, as well as there was a fired projectile located  
17 in this area as well. There were also numerous bullet effects  
18 to the wall that were located in this area.

2:06:31PM 19 Q. Let's scroll around to the outside of the door. I believe  
20 you can just see the edge of the placard that you mentioned  
21 earlier?

2:06:40PM 22 A. Yes, that is correct.

2:06:41PM 23 Q. And does that also show the blood that was located on the  
24 outside of the building near the stair?

2:06:45PM 25 A. Yes, it does.

## BRITTANY BURKE - DIRECT EXAMINATION

2:06:56PM 1 Q. I'm going to go to pin number four. What's the area?

2:07:04PM 2 A. This is leading from the entryway into what I have been  
3 calling the fellowship hall.

2:07:12PM 4 Q. I'll do another rotation of this.

2:08:08PM 5 Now again here to the floor, what were the items that were  
6 located in this area?

2:08:13PM 7 A. In this area the black Messenger bag that you can see at  
8 marker DD was located there, as well as the area there were  
9 some cartridge cases located as well.

2:08:25PM 10 Q. There's like a blue item above that pouch. You testified  
11 earlier that there were maybe medical items left behind?

2:08:32PM 12 A. Yes, there were items that were consistent with medical  
13 personnel being there. Purple gloves are one of those items  
14 we typically see left behind by persons who attempt to render  
15 aid to victims.

2:08:47PM 16 Q. Also looks like there might be some footprints running  
17 through there.

2:08:51PM 18 A. That is correct, there were some -- what appeared to be  
19 possible shoe prints and suspected blood that were located  
20 through that area as well.

2:09:00PM 21 Q. I'm going to go back around to the floor area. And is  
22 that that same area of blood that you talked about earlier?

2:09:16PM 23 A. Yes, it is the same area of blood there.

2:09:30PM 24 Q. I'm going to go to pin five. Is that the same general  
25 location that you just testified to?



## BRITTANY BURKE - DIRECT EXAMINATION

2:09:37PM 1 A. Yes, it's the same general location, just through the door  
2 frame that the other scan was placed in.

2:09:45PM 3 Q. I'll do the rotation. I'll scroll down to the floor in  
4 this area. This is a little bit washed out with the  
5 brightness. Does it look like there were some items in that  
6 area?

2:10:42PM 7 A. There were some items in that area. You can see a belt  
8 located in the floor, as well as evidence markers placed  
9 there.

2:10:50PM 10 Q. And looks like there were evidence markers E and F on the  
11 floor by this table as well?

2:10:57PM 12 A. That is correct.

2:11:02PM 13 Q. Can you tell what those items are?

2:10:59PM 14 A. Those items are cartridge cases.

2:11:09PM 15 Q. I'm going to go to pin number six. Let me go to pin six  
16 now. Is this the main area of the sanctuary?

2:11:29PM 17 A. Yes, it is.

2:11:30PM 18 Q. Sorry, the fellowship hall.

2:11:33PM 19 A. Yes, this is the main area there that comprised most of  
20 where the evidence was located in the same area.

2:11:44PM 21 Q. Earlier on you had shown four photos of round tables. Is  
22 one of those round tables directly in front of this image?

2:11:55PM 23 A. Yes, that's the front round table, and there were  
24 subsequently three in a linear fashion behind it.

2:12:03PM 25 Q. I'm going to go to rotation of this image. I'm going to

## BRITTANY BURKE - DIRECT EXAMINATION

1 now scroll down to the floor, check the evidence there. Was  
2 there anything generally located in this area?

2:13:09PM 3 A. There were the items that we could see from the previous  
4 scan there with the H and I and G there. There were also some  
5 items located underneath and beside the chairs against the  
6 front wall there.

2:13:26PM 7 Q. There's a couple of items, looks like J, M and K?

2:13:30PM 8 A. Yes, and T as well there.

2:13:52PM 9 Q. I'm going to go now to pin number 17. And I'm going to  
10 hit the rotation on this.

2:15:08PM 11 You testified earlier regarding the tables. Are these  
12 those same tables?

2:15:11PM 13 A. Yes, they are.

2:15:12PM 14 Q. You testified earlier that there was one individual who  
15 had looked like they had been treated. Is that this  
16 individual at the bottom?

2:15:20PM 17 A. Yes, it is.

2:15:22PM 18 Q. Going to go to the first table. Can you tell the jury  
19 quickly sort of what -- we don't have to go through every  
20 single placard, but what was this item on the table, from your  
21 appearances?

2:15:36PM 22 A. The item on the table there located by the thing with all  
23 the Bs on it is a magazine.

2:15:49PM 24 Q. Looking at the ground under this seat, do you know  
25 generally what these items are scattered across the floor?

## BRITTANY BURKE - DIRECT EXAMINATION

2:15:56PM 1 A. There are cartridge cases there, I can see what's in the  
2 front the items closest under the chair appear to be cartridge  
3 cases and a magazine. The ones located further away I can see  
4 in this particular picture, but they would be -- I know they  
5 are either cartridge cases or fired projectiles or fragments  
6 from fired projectiles.

2:16:21PM 7 Q. I'm going to focus. Do you note any deformations or marks  
8 to the tablecloths?

2:16:31PM 9 A. Yes, there were what we suspect to be bullet holes that  
10 were through the tablecloths, and on multiple of the tables,  
11 and some of those did correspond with holes that were present  
12 on the tables underneath the tablecloths as well.

2:16:49PM 13 Q. In your experience, are those consistent with gunshots or  
14 gunfire going through the table?

2:16:53PM 15 A. Yes, they would be.

2:17:00PM 16 Q. There were several individuals located in this area; were  
17 you able to identify who they were?

2:17:07PM 18 A. At the point in time here, we still did not have the  
19 identities, that's why you see numbers on them there. So I  
20 identified them with the numbers, and then at a later point in  
21 time we were able to identify them based on personal  
22 belongings and descriptions of their clothing.

2:17:26PM 23 Q. Do you know who the person number four, at the time known  
24 as number four, who that is?

2:17:32PM 25 A. Can I refer to my legend here?

## BRITTANY BURKE - DIRECT EXAMINATION

2:17:34PM 1 Q. Certainly.

2:17:34PM 2 A. Victim number four would be Sharonda Singleton.

2:17:37PM 3 Q. And victim number six in the background?

2:17:39PM 4 A. Tywanza Sanders.

2:17:48PM 5 Q. It looks like there were a few items sort of located  
6 underneath the chairs as well, between the tables?

2:17:54PM 7 A. Yes, there were items between the tables as well.

2:17:56PM 8 Q. And you said those were mostly casings, projectiles or  
9 fragments?

2:18:04PM 10 A. Yes, they were.

2:18:07PM 11 Q. I'm going to go to number 16. This is that same area but  
12 further back?

2:18:18PM 13 A. That is correct.

2:18:35PM 14 Q. For the record, this is pin 16, that's a rotational view.  
15 And just for reference, is this area in the background of pin  
16 16 that same entranceway where the pouch was located?

2:19:27PM 17 A. Yes, it is.

2:19:36PM 18 Q. Do you have a record or a note of who number one, the  
19 first victim at the time at least was?

2:19:43PM 20 A. Yes, that was Clementa Pinckney.

2:19:55PM 21 Q. If you could explain, there are several placards also in  
22 the background around these chairs, were those the -- we'll  
23 get to it later more specific, but was that generally the same  
24 type of items in that area?

2:20:07PM 25 A. Yes, all of those items are also either a magazines, a

## BRITTANY BURKE - DIRECT EXAMINATION

1 cartridge case, a fired projectile or a fragment of a fired  
2 projectile of some sort.

2:20:18PM 3 Q. You said earlier they were fairly evenly spread around.  
4 Is that consistent with what's seen in this image?

2:20:24PM 5 A. Yes, there were cartridge cases, projectiles and fragments  
6 all around those tables that we have been looking at, that are  
7 located in the center of the room. They were located on all  
8 sides of that.

2:20:54PM 9 Q. I'm going to go to pin number -- go to pin number 14. Do  
10 you know what area of the church this shows?

2:21:09PM 11 A. Yes, this is the area next to the four circular tables and  
12 between the rows of chairs that were placed, it's towards the  
13 back of that fellowship hall area looking back towards the  
14 front.

2:21:23PM 15 Q. And that's Senator Pinckney on the ground in the  
16 background?

2:21:27PM 17 A. Yes, that is correct.

2:21:28PM 18 Q. And these items that are in the immediate foreground, do  
19 you have any idea what they are generally?

2:21:34PM 20 A. X and Y are cartridge cases, and A is a magazine. I can  
21 not see what C is, it's behind the placard.

2:21:51PM 22 Q. It looks like there's a number two here; do you know who  
23 that individual was?

2:21:55PM 24 A. Yes, that individual was Cynthia Hurd.

2:22:03PM 25 Q. You talked earlier about Tywanza Sanders; he's located

## BRITTANY BURKE - DIRECT EXAMINATION

1 there, is that correct?

2:22:08PM 2 A. That is correct.

2:22:10PM 3 Q. Do you know who number -- number eight at least at the  
4 time was known as?

2:22:14PM 5 A. Victim eight was Susie Jackson.

2:22:19PM 6 Q. And again there's -- looks like casings on the floor?

2:22:21PM 7 A. That is correct.

2:22:25PM 8 Q. Same thing at the bottom of the screen, several casings  
9 sort of scattered there.

2:22:29PM 10 A. Yes, that is correct.

2:22:43PM 11 Q. Go to pin 15. And the rotational scan of pin 15. That's  
12 Senator Pinckney in the same place you identified before?

2:23:53PM 13 A. That is correct.

2:23:55PM 14 Q. Scan over, I believe you identified earlier that Miss Hurd  
15 was next to placard number two?

2:24:03PM 16 A. That is correct.

2:24:04PM 17 Q. Do you know who this individual is?

2:24:06PM 18 A. That individual is Myra Thompson.

2:24:09PM 19 Q. And placard number five, do you know who that individual  
20 is?

2:24:13PM 21 A. Depayne Middleton Doctor.

2:24:17PM 22 Q. You talked earlier about defects to tablecloths indicating  
23 gunfire. Were there similar defects in the tablecloth  
24 depicted above Miss Hurd?

2:24:28PM 25 A. Yes, there are similar defects to the tablecloth that's

## BRITTANY BURKE - DIRECT EXAMINATION

1 depicted there as well.

2:24:38PM 2 Q. Do you have an indication from your notes who this  
3 individual -- I can't see a placard -- but next to  
4 Miss Jackson and Miss Depayne?

2:24:48PM 5 A. Yes, that's Ethel Lance.

2:25:01PM 6 Q. Then it goes back to pin 14. You said that there were  
7 casings along there; is that true at the end of the hallway as  
8 well?

2:25:20PM 9 A. I'm sorry?

2:25:21PM 10 Q. Are there also casings at the end of the walkway there as  
11 well, which is D and C?

2:25:27PM 12 A. C appears to be a casing; D, I'm not certain. I can refer  
13 to my notes, if you like. It looks like it may be a fragment.

2:25:44PM 14 Q. I'm going to go to pin number 19. We'll do a rotational  
15 scan of 19. I'm going to ask you if you know what this item  
16 might be; looks like it's a subseries of Z.

2:27:11PM 17 A. Items there represented by Z would be a magazine.

2:27:20PM 18 Q. Looking at the ground area here, this is Mr. Sanders as  
19 well as Miss Jackson.

2:27:26PM 20 A. That is correct.

2:27:29PM 21 Q. Were you able to examine the tablecloth that's just above  
22 Mr. Sanders?

2:27:36PM 23 A. Yes, we were able to look at that.

2:27:39PM 24 Q. What did that appear to you as a crime scene examiner?

2:27:43PM 25 A. It appears to be blood, suspected blood there on the

## BRITTANY BURKE - DIRECT EXAMINATION

1       tablecloth.

2:27:47PM 2       Q.   Are you familiar with the idea of a blood transfer?

2:27:49PM 3       A.   Yes, I am.

2:27:50PM 4       Q.   What is a blood transfer?

2:27:51PM 5       A.   A blood transfer is when blood from one object -- when one  
6       object has blood on it and it comes in contact with another  
7       object and it leaves the blood on that object.

2:28:01PM 8       Q.   And did that appear to be a transfer, a spatter, what type  
9       of pattern?

2:28:06PM 10       A.   It appears that that blood was on another object prior to  
11       being placed on that object.

2:28:18PM 12       Q.   I'm going to go to pin 18. Do a rotation of that. You  
13       talked earlier about damage to tablecloths, but there are also  
14       items, medical items and damage in this area as well?

2:29:30PM 15       A.   Yes, there were.

2:29:35PM 16       Q.   Victim number five was who, again? Miss Depayne?

2:29:39PM 17       A.   Yes.

2:29:40PM 18       Q.   And Myra Thompson was three?

2:29:42PM 19       A.   That is correct.

2:29:48PM 20       Q.   Tywanza Sanders was number six?

2:29:50PM 21       A.   That is correct.

2:29:51PM 22       Q.   It looks like -- Do you know what these multiple P objects  
23       were?

2:29:59PM 24       A.   Multiple O and P objects would be fired projectiles that  
25       were located on the ground.



## BRITTANY BURKE - DIRECT EXAMINATION

2:30:06PM 1 Q. Do you see some of those defects in the tablecloth in this  
2 photo as well?

2:30:12PM 3 A. Yes, there were defects to that tablecloth as well.

2:30:24PM 4 Q. Go to pin number 13.

2:30:32PM 5 MR. WILLIAMS: Do a rotation, Your Honor, of pin 13.

2:31:29PM 6 Q. I'm going to focus on the immediate foreground here. I  
7 believe you had identified a magazine sort of in the middle of  
8 that area before. What are items Y and Z?

2:31:41PM 9 A. Those are both magazines.

2:31:53PM 10 Q. Is there an item here as well?

2:31:55PM 11 A. Yes, there is.

2:31:58PM 12 Q. And I'm going to zoom in on the chair that's immediately  
13 in front. Do you know what that item was as well?

2:32:06PM 14 A. That item was also a magazine.

2:32:34PM 15 Q. Then go to pin number 12, I'll do a rotational view of 12.  
16 This just shows the back corner of the fellowship hall?

2:33:51PM 17 A. That is correct.

2:33:54PM 18 Q. Go to pin number 11. And the ground here, I think you  
19 testified earlier there were several pieces of items of  
20 evidence on the ground as well?

2:34:08PM 21 A. Yes, there were.

2:34:16PM 22 Q. Go to pin ten. This is similar, there are several items  
23 located underneath the chairs?

2:34:29PM 24 A. Correct, there were items located underneath the chairs  
25 throughout the area.

## BRITTANY BURKE - DIRECT EXAMINATION

2:34:38PM 1 Q. Go to pin nine. This is back towards the area where we  
2 started with the FARO scan, meaning the area just inside the  
3 door where Mr. Simmons and Mr. Pinckney were located, is that  
4 correct?

2:34:56PM 5 A. That is correct.

2:35:05PM 6 Q. I'm going to go to eight. This is that same area, just a  
7 few steps further?

2:35:14PM 8 A. Correct. It is.

2:35:31PM 9 Q. So does that cover the majority of the FARO scans in that  
10 room?

2:35:37PM11 A. Yes, it covered the majority of them.

2:35:40PM12 Q. Okay. Is there anything that you can think of that wasn't  
13 captured in there, apart from details?

2:35:45PM14 A. No, there was not.

2:35:50PM15 MR. WILLIAMS: Your Honor, if I can have a second,  
16 I'm going to save this as the exhibit.

2:35:53PM17 BY MR. WILLIAMS:

2:36:20PM18 Q. I'm going to give you what's been marked as Government's  
19 proposed Exhibit 48. Do you recognize that item?

2:36:33PM20 A. Yes, I do.

2:36:34PM21 Q. Can you tell me what it is?

2:36:36PM22 A. It is a sketch that I created of what we observed while  
23 processing the crime scene that night.

2:36:43PM24 Q. Did you put this sketch together yourself?

2:36:45PM25 A. Yes, I did.

## BRITTANY BURKE - DIRECT EXAMINATION

2:36:45PM 1 Q. Does it list all those items that you were talking about  
2 that were scattered through the crime scene?

2:36:52PM 3 A. Yes, it depicts them, and it has -- first page depicts  
4 them, then the next two pages are a legend that told what each  
5 marker represents.

2:37:01PM 6 MR. WILLIAMS: I show this to defense counsel, Your  
7 Honor.

2:37:06PM 8 MS. PAAVOLA: No objection.

2:37:07PM 9 THE COURT: Very good. Government 48 admitted  
10 without objection.

2:37:10PM11 (Government Exhibit 48 received.)

2:37:10PM12 BY MR. WILLIAMS:

2:37:10PM13 Q. I'm going to put up the first page of Government's 48.  
14 Explain, if you can, to the jury, first of all, why there's  
15 five different colors.

2:37:20PM16 A. So there was a lot of evidence in various -- or relatively  
17 small room, and in order to fit all of them on the page, all  
18 of the evidence was labeled from A -- I went through the  
19 alphabet one time, two times, three times, up to five letters  
20 of the alphabet. So I go from 1A through to 5N. And I didn't  
21 have enough room to put five Ns in a little square on there,  
22 so if you look down in the bottom right corner you see a  
23 legend there, and all the markers in green are 1A through 1Z.  
24 All the markers in blue are going to be 2A through 2Z, purple  
25 is threes, pink is fours and fives are orange. And that was

## BRITTANY BURKE - DIRECT EXAMINATION

1 the best way I could come up with to differentiate which item  
2 of evidence was which one on there. And that's why you see so  
3 many different colors on the sketch.

2:38:21PM 4 Q. So it's not like all the green ones are bullet casings,  
5 all the blue ones are fragments?

2:38:27PM 6 A. No, it's just to denote which series of the alphabet that  
7 they were in, and then the letter that's represented inside  
8 the square corresponds to that letter.

2:38:39PM 9 Q. And effectively it would be too hard to put five As on  
10 this diagram.

2:38:43PM 11 A. Correct.

2:38:45PM 12 Q. So looking at that diagram, there's also what you have as  
13 suspected bullet defects. What does that mean?

2:38:55PM 14 A. So that is the spot -- if you look, they're going to be in  
15 the walls of the church, there are all those little red dots,  
16 you can see some up in the area that say entry hall and church  
17 office, there's also some down near the area of the vestibule  
18 and the kitchen area. Those are areas where we found a hole  
19 in the wall that we believe that a bullet passed through the  
20 wall and either entered the wall or passed completely through  
21 there. And that's what those are representing.

2:39:29PM 22 Q. Approximately how many different bullets did you recall  
23 seeing through the walls?

2:39:33PM 24 A. Through the walls?

2:39:35PM 25 Q. Correct. Approximately; doesn't have to be exact number.

## BRITTANY BURKE - DIRECT EXAMINATION

2:39:41PM 1 A. About ten. There were more holes than that, but I believe  
2 there were about ten that we could match, because you might  
3 have a hole on one side of the wall and then a hole on the  
4 other side of the wall, and those correspond to one bullet  
5 versus one hole on one side of the wall, and then none on the  
6 other would correspond to a second bullet.

2:40:02PM 7 Q. Was there a round that you think exited the building?

2:40:05PM 8 A. We found a defect over in the entry hall that it would be  
9 possible that the bullet did exit the building into the back  
10 parking lot area.

2:40:17PM 11 Q. I'm going to show you Government's proposed 36 and 38. If  
12 you can take a look at those. Are those pictures that were  
13 taken that night?

2:40:43PM 14 A. Yes, they are.

2:40:52PM 15 MR. WILLIAMS: I show them to defense counsel.

2:40:56PM 16 MS. PAAVOLA: Your Honor, subject to our earlier  
17 objection to 36, which was overruled, we have nothing further.

2:41:01PM 18 THE COURT: Very good. Government 36 and 38 are  
19 admitted; 36 over the objections of defense.

2:41:08PM 20 (Government Exhibits 36 and 38 received.)

2:41:08PM 21 BY MR. WILLIAMS:

2:41:08PM 22 Q. I'm going to put up Government's Exhibit 36 first. Can  
23 you explain what that shows?

2:41:15PM 24 A. This is a picture standing from that front side of what we  
25 have been calling the fellowship hall, looking back into the

## BRITTANY BURKE - DIRECT EXAMINATION

1 entryway by the front door there, and it shows -- it shows --  
2 you can see the black 511 bag up here towards the bottom of  
3 the picture, and up at the top of the picture is that entryway  
4 where you can see that suspected blood was located there.

2:41:50PM 5 Q. I hand you Government proposed 37; can you look at that?

2:41:54PM 6 A. I can.

2:42:09PM 7 Q. First of all, there's tape on there; is that consistent  
8 with evidence collection?

2:42:14PM 9 A. Yes, it is consistent with evidence collection, it is  
10 consistent with me having originally packaged the item, which  
11 I can see from the side that has not been cut and has my  
12 original tape on it. And then as it was sent for processing  
13 in the lab, any other further departments or anybody else that  
14 opened it after me would cut through one side of it, and then  
15 place tape across the top of it afterwards and put their  
16 initials on it where they sealed it after they had opened it.

2:42:44PM 17 Q. You said several items had gone for processing within  
18 SLED. Is that consistent with that processing?

2:42:48PM 19 A. Yes, it is.

2:42:54PM 20 Q. Can you just say if you recognize it before you --

2:42:58PM 21 A. Yes.

2:42:58PM 22 Q. Do you recognize it?

2:42:59PM 23 A. I do.

2:43:02PM 24 Q. Show it to defense counsel.

2:43:06PM 25 MS. PAAVOLA: No objection, Your Honor.

## BRITTANY BURKE - DIRECT EXAMINATION

2:43:06PM 1 THE COURT: Very good. Government 37 is admitted  
2 without objection.

2:43:09PM 3 (Government Exhibit 37 received.)

2:43:09PM 4 BY MR. WILLIAMS:

2:43:10PM 5 Q. So this item 37 has also some lettering and numbering on  
6 it?

2:43:15PM 7 A. Yes, it does.

2:43:16PM 8 Q. Where does that come from?

2:43:17PM 9 A. I believe that was on there, so that would have come from  
10 processing that occurred after it had been submitted to the  
11 lab.

2:43:26PM 12 Q. This was the 36 and 37, the picture and then the item that  
13 was located, the pouch that was on the floor, you called it  
14 the bag?

2:43:34PM 15 A. Yes, that is correct.

2:43:39PM 16 Q. I'm going to show you Government 39 as well. Do you  
17 recognize that, too?

2:44:01PM 18 A. Yes, I do.

2:44:02PM 19 Q. What is it?

2:44:02PM 20 A. It is a brown belt that we collected from the scene.

2:44:11PM 21 MR. WILLIAMS: Your Honor, I'll move to admit  
22 Government 39 as well.

2:44:15PM 23 MS. PAAVOLA: No objection.

2:44:16PM 24 THE COURT: Government 39 admitted without objection.

2:44:17PM 25 (Government Exhibit 39 received.)

## BRITTANY BURKE - DIRECT EXAMINATION

2:44:17PM 1 BY MR. WILLIAMS:

2:44:18PM 2 Q. I'm going to put up Government's 38 on the screen. So 38  
3 was located on the floor and then packaged as well?

2:44:43PM 4 A. That is correct.

2:44:44PM 5 Q. So the belt, and the we call it the tactical pouch, were  
6 they located next to each other?

2:44:54PM 7 A. They were located a short distance from each other. The  
8 belt was located right here, as you can see in this picture  
9 that door frame leads into that little entry area where the  
10 bag was located. Just right clear through the doors.

2:45:15PM 11 Q. Apart from those two physical items, were there any other  
12 sort of clothing items that were located that you seized that  
13 you recall from this crime scene?

2:45:25PM 14 A. No, there were not.

2:45:26PM 15 Q. So I want to ask you now about some of those smaller  
16 items. You described earlier that there were casings sort of  
17 around the room. Let me go back to the color chart. I don't  
18 want to go through where each one of those casings was  
19 located, but did you have a chance to total up the number of  
20 casings that were located in this scene or on the crime scene?

2:45:57PM 21 A. There were 74 that were collected from the scene.

2:46:02PM 22 Q. And each one of those represent a fired shot?

2:46:05PM 23 A. Yes, that is correct.

2:46:21PM 24 Q. I show you Government's Exhibit 50, 51, and 52.

2:46:30PM 25 THE COURT: 50, 51 and 52?



## BRITTANY BURKE - DIRECT EXAMINATION

2:46:32PM 1 MR. WILLIAMS: Yes, Your Honor.

2:46:44PM 2 Q. Are those photos that you were involved with taking?

2:46:46PM 3 A. Yes, they are.

2:46:49PM 4 MR. WILLIAMS: I'm going to show this to defense  
5 counsel.

2:47:01PM 6 MS. PAAVOLA: No objection.

2:47:02PM 7 THE COURT: Government 50, 51 and 52 are admitted  
8 without objection.

2:47:06PM 9 (Government Exhibits 50, 51 and 52 received.)

2:47:06PM10 BY MR. WILLIAMS:

2:47:06PM11 Q. I'm going to put up Government's Exhibit 51. You had  
12 testified earlier during the FARO, that there were some  
13 casings found up near the door area. Are those the casings  
14 you were talking about?

2:47:19PM15 A. Yes, they are.

2:47:27PM16 Q. And are those representative of the rest of the casings of  
17 all the 74, so to speak?

2:47:34PM18 A. Yes, they were representative of all of them.

2:47:36PM19 Q. I'm going to show you Government's proposed 53 and 54.  
20 What are those two items?

2:47:54PM21 A. These are the cartridge cases that we collected from  
22 markers E and F that are depicted in the picture.

2:48:01PM23 MR. WILLIAMS: I show these to defense counsel.

2:48:03PM24 MS. PAAVOLA: No objection.

2:48:04PM25 THE COURT: Exhibits 53 and 54 are admitted without

## BRITTANY BURKE - DIRECT EXAMINATION

1 objection.

2:48:07PM 2 (Government Exhibits 53 and 54 received.)

2:48:08PM 3 Q. I'm going to ask you about do you know what a head stamp  
4 is?

2:48:13PM 5 A. Yes.

2:48:13PM 6 Q. What is a head stamp?

2:48:14PM 7 A. A head stamp is what is stamped into the bottom of a  
8 cartridge case. It typically tells about the caliber and the  
9 manufacturer of that particular ammunition.

2:48:28PM 10 Q. What was the head stamp on these, if you can tell?

2:48:31PM 11 A. Let me see them. They are Winchester 45 auto, is what the  
12 head stamp reads.

2:48:40PM 13 Q. Do you recall if they were all the same?

2:48:41PM 14 A. Yes, they were all the same head stamp.

2:49:02PM 15 Q. I'm going to show you Government's 55. Are you familiar  
16 with that?

2:49:16PM 17 A. Yes, I am.

2:49:19PM 18 Q. Is that something you assembled?

2:49:21PM 19 A. Yes, it's got the date and my initials here across the  
20 top, it's something I helped assemble.

2:49:26PM 21 Q. So you put all of those into that one bag.

2:49:28PM 22 A. Yes, I did.

2:49:29PM 23 Q. You looked at all those items individually?

2:49:31PM 24 A. Yes.

2:49:31PM 25 Q. And so what are they?

## BRITTANY BURKE - DIRECT EXAMINATION

2:49:32PM 1 A. These are the rest of the cartridge cases that were  
2 collected from the scene.

2:49:38PM 3 Q. That would be 72 of them?

2:49:51PM 4 A. That is correct.

2:49:46PM 5 Q. Show this to defense counsel.

2:49:50PM 6 MS. PAAVOLA: No objection.

2:49:50PM 7 THE COURT: Government 55 admitted without objection.

2:49:52PM 8 (Government Exhibit 55 received.)

2:49:52PM 9 BY MR. WILLIAMS:

2:49:54PM10 Q. And that bag was sealed and had your initials on it?

2:49:56PM11 A. That is correct.

2:50:08PM12 Q. So is that, between those three exhibits, the larger bag  
13 and the two smaller bags, that is all of the shell casings  
14 that were recovered on the scene?

2:50:17PM15 A. Yes, it is.

2:50:18PM16 Q. And that was 74 total?

2:50:20PM17 A. Yes.

2:50:28PM18 Q. You talked a little bit earlier about magazines, and we  
19 saw some of these in the FARO scans. How many magazines total  
20 were recovered at the crime scene?

2:50:39PM21 A. There were seven total recovered.

2:50:42PM22 Q. And I don't want to get too far ahead, but there was a  
23 later time where you also searched the defendant's car?

2:50:48PM24 A. That is correct.

2:50:48PM25 Q. Was there a magazine located there as well?

## BRITTANY BURKE - DIRECT EXAMINATION

2:50:51PM 1 A. Yes, there was.

2:50:51PM 2 Q. So there were seven magazines located at the crime scene.

2:50:55PM 3 A. That is correct.

2:51:02PM 4 Q. I want to ask you briefly about the number of rounds a  
5 magazine can hold. Are there different capacities for  
6 magazines?

2:51:10PM 7 A. There are. Different guns are different sizes.  
8 Therefore, the magazine that goes in them is a different size,  
9 and depending on what type of gun it is and what type of  
10 magazine, whether it's a magazine that came with the gun or  
11 whether they purchased afterwards, can determine how many  
12 different cartridges or how many cartridges can go in a gun.

2:51:33PM 13 Q. What was the capacity for the magazines you located in  
14 this case?

2:51:36PM 15 A. They held 13 cartridges each.

2:51:40PM 16 Q. I'm going to hand you Government's 40 to 46. Take a look  
17 at that, let me know if you recognize it.

2:52:00PM 18 A. Yes, I do.

2:52:02PM 19 Q. What are they?

2:52:02PM 20 A. These are the magazines that were collected on scene.

2:52:05PM 21 Q. And you collected those yourself?

2:52:07PM 22 A. Yes.

2:52:09PM 23 MR. WILLIAMS: I'm going to show these to defense  
24 counsel.

2:52:29PM 25 MS. PAAVOLA: No objection.

## BRITTANY BURKE - DIRECT EXAMINATION

2:52:30PM 1 THE COURT: Government 40 and 46 admitted without  
2 objection.

2:52:34PM 3 (Government Exhibits 40 and 46 received.)

2:52:34PM 4 BY MR. WILLIAMS:

2:52:34PM 5 Q. Let me go back to your diagram. Do you have a record of  
6 which items on this screen were magazines?

2:52:48PM 7 A. Yes, I do. It's going to be items marker AA, which is  
8 going to be the blue A that is located -- yes, it's kind of --  
9 in between these two green X and Y there.

2:53:13PM 10 Q. What color?

2:53:14PM 11 A. It's the blue A located between the green X and Y.

2:53:20PM 12 Q. Can you write on that screen, do you know? Try to.

2:53:25PM 13 A. I do not know.

2:53:33PM 14 Q. So can you explain where it is on this screen again?

2:53:36PM 15 A. Yeah, it's kind of to the top of the screen, it's a blue A  
16 located between a green X and Y on the third line that  
17 represents right there.

2:53:54PM 18 Q. And what number, what letter was that again?

2:53:57PM 19 A. That was AA.

2:54:02PM 20 Q. Where was the next one located?

2:54:04PM 21 A. The next one was located at YY, which is going to be next  
22 to the table located closest to the center in the bottom  
23 portion, the table that's located or positioned vertically on  
24 the page.

2:54:22PM 25 Q. Where was the third one?

## BRITTANY BURKE - DIRECT EXAMINATION

2:54:23PM 1 A. The blue -- the blue Z, which was ZZ that is located there  
2 next to YY.

2:54:32PM 3 Q. Those were the same area?

2:54:33PM 4 A. Yes, they were.

2:54:34PM 5 Q. And the next one?

2:54:35PM 6 A. Next one was triple AAA, which is going to be a purple A  
7 that was located near the table on the back wall near the  
8 kitchen.

2:54:49PM 9 Q. That was what was behind close to the wall in the back?

2:54:52PM 10 A. That's correct.

2:54:53PM 11 Q. And the next one?

2:54:55PM 12 A. The next one is going to be marker BBBB, which is the one  
13 that's on the front round table.

2:55:08PM 14 Q. There was another one located near that as well, is that  
15 correct?

2:55:11PM 16 A. There was. I'm sorry, I skipped one, marker XXX.

2:55:18PM 17 Q. So two in that same area, one on the table and one on the  
18 ground?

2:55:23PM 19 A. Yes, and it's the purple X, it's W through X, right there,  
20 because all three of them -- W and X were right next to each  
21 other there.

2:55:33PM 22 Q. I'm going to ask you about the BBBB, is that the one that  
23 was sitting on the table?

2:55:40PM 24 A. That is correct.

2:55:40PM 25 Q. Was there anything particular about that one?

## BRITTANY BURKE - DIRECT EXAMINATION

2:55:43PM 1 A. Yes, that magazine still had cartridges left inside of it.

2:55:47PM 2 Q. I'm going to hand you Government's 40. Are those live  
3 rounds still in that exhibit?

2:55:53PM 4 A. Yes, they are.

2:55:55PM 5 Q. So the magazine that was on the table had how many rounds  
6 still remaining in it?

2:56:01PM 7 A. It still had four rounds remaining in it.

2:56:04PM 8 Q. Those are the four rounds with the magazine?

2:56:06PM 9 A. That is correct.

2:56:07PM 10 Q. Did any of the other magazines have any rounds in them?

2:56:11PM 11 A. No, they did not.

2:56:14PM 12 Q. So you recovered 74 casings, correct?

2:56:18PM 13 A. That is correct.

2:56:19PM 14 Q. And then four live rounds?

2:56:21PM 15 A. Yes.

2:56:28PM 16 Q. And does that cover all of the magazines? Is there one  
17 more?

2:56:33PM 18 A. There was one more that is going to be NNNN, which is the  
19 one that's located in the chair, it's a pink N located in the  
20 chair at the end of the long table. On the right side of the  
21 room.

2:56:48PM 22 Q. So you've seen the FARO evidence. Were the magazines all  
23 located in the area outside from where the victims were  
24 primarily located?

2:57:02PM 25 A. They were all located on the outside of where they were

## BRITTANY BURKE - DIRECT EXAMINATION

1 primarily located, yes. With the exception of the one that  
2 was located on top of the actual table.

2:57:13PM 3 Q. And was there fairly consistently located around the room,  
4 meaning sort of evenly spaced throughout the room instead of  
5 all in one location?

2:57:22PM 6 A. There were two located towards the back, if you're looking  
7 at the diagram, towards the back left, two towards the back  
8 right and two towards the front right there.

2:57:39PM 9 Q. I want to ask you next about projectiles. Are those also  
10 depicted on this?

2:57:46PM 11 A. Yes, they are depicted on this as well.

2:57:49PM 12 Q. Do you know approximately how many projectiles were  
13 located on the scene itself?

2:57:53PM 14 A. On the scene itself there were approximately 22  
15 projectiles located.

2:58:05PM 16 Q. I want to ask you about the term projectile. We talked  
17 earlier about jackets and sort of lead cores, does that mean  
18 both, or something separates them, what's that mean?

2:58:18PM 19 A. When I use the term fired projectile, it can refer to  
20 either a jacket or the lead core. I label them as a fired  
21 projectile, which means it's something that was fired from the  
22 gun. And then I turn them over to a firearms examiner and let  
23 them determine what component of that fired projectile they  
24 are.

2:58:35PM 25 Q. So could one bullet end up being more than one projectile?



## BRITTANY BURKE - DIRECT EXAMINATION

2:58:38PM 1 A. Yes, it could. It could hit in the core, which would  
2 separate, then technically they could both be labeled a fired  
3 projectile, especially if they separated and ended up in  
4 different areas of the room, they could be labeled a fired  
5 projectile and not be associated with one another there.

2:58:56PM 6 Q. I'm going to show you Government's 56 and 57. Do you  
7 recognize those?

2:59:13PM 8 A. Yes, I do.

2:59:15PM 9 MR. WILLIAMS: Show these to defense counsel.

2:59:23PM 10 MS. PAAVOLA: Subject to our prior objection, we have  
11 nothing further.

2:59:26PM 12 THE COURT: Government 56 and 57 are admitted.

2:59:29PM 13 (Government Exhibits 56 and 57 received.)

2:59:29PM 14 BY MR. WILLIAMS:

2:59:29PM 15 Q. I'm going to go to 56. Was this the area just inside that  
16 doorway?

2:59:36PM 17 A. Yes, this is the area just inside as the doorway -- as you  
18 exit from outside the church into the entryway.

2:59:45PM 19 Q. And what is item B?

2:59:46PM 20 A. Item B is a fired projectile.

2:59:50PM 21 MR. WILLIAMS: Miss Baker, can you focus on B?

2:59:54PM 22 Q. Was that item seized from the scene as well?

2:59:57PM 23 A. Yes, it was.

2:59:58PM 24 Q. Approximately you said there was 22 total.

3:00:01PM 25 A. That is correct.

## BRITTANY BURKE - DIRECT EXAMINATION

3:00:05PM 1 Q. I'm going to show you 59 and 59A. Do you recognize those?

3:00:16PM 2 A. Yes, I do.

3:00:17PM 3 Q. What are they?

3:00:18PM 4 A. These are fired projectiles that were collected from the

5 scene.

3:00:22PM 6 Q. And similar to the casings, did you bag those up so we

7 didn't have to go through them one at a time?

3:00:32PM 8 A. Yes, I did.

3:00:28PM 9 Q. So these are the projectiles from the scene?

3:00:31PM 10 A. Yes, that is correct.

3:00:32PM 11 Q. Those have your initials on them?

3:00:33PM 12 A. Yes, they do.

3:00:36PM 13 MR. WILLIAMS: Show this to defense counsel.

3:00:38PM 14 THE COURT: They are 59 and 59A?

3:00:40PM 15 MR. WILLIAMS: Yes, Your Honor.

3:00:49PM 16 MS. PAAVOLA: No objection.

3:00:50PM 17 THE COURT: Government 59 and 59A admitted without

18 objection.

3:00:53PM 19 (Government Exhibits 59 and 59A received.)

3:00:53PM 20 BY MR. WILLIAMS:

3:01:01PM 21 Q. I'm going to show you Government's 58 as well. Do you

22 recognize that?

3:01:10PM 23 A. Yes, I do.

3:01:11PM 24 Q. What is it?

3:01:12PM 25 A. It is the fired projectile that is depicted on the screen

## BRITTANY BURKE - DIRECT EXAMINATION

1 there that's collected from marker B.

3:01:21PM 2 Q. Is this typical of the other items, the other items in 59  
3 and 59A?

3:01:28PM 4 A. Yes, it is.

3:01:48PM 5 Q. I'm going to zoom in on that. Is that the same fired  
6 projectile that was located on the scene?

3:02:01PM 7 A. Yes, it is.

3:02:03PM 8 Q. Is that fairly typical of how a round looks when it  
9 fragments or mushrooms?

3:02:09PM 10 A. It depends on what the projectile has hit. If it hits a  
11 harder surface, then it may be more deformed. Or it may  
12 fragment more if it hits a softer surface, it does less damage  
13 to it. But that is a good example as to what a bullet can  
14 look like after it has been fired.

3:02:28PM 15 Q. You had said that 22 rounds were located in the church.  
16 Were fired rounds located from another location? Collected  
17 from another location?

3:02:41PM 18 A. Not -- no, I did not, not by me there were not.

3:02:50PM 19 Q. So you supervised collecting them?

3:02:53PM 20 A. From my location inside the church.

3:02:56PM 21 Q. From autopsy?

3:02:57PM 22 A. Yes.

3:02:59PM 23 Q. Explain how that happens, how are items collected from the  
24 medical examiner or from autopsy?

3:03:08PM 25 A. So when a body is sent to be autopsied, the medical

## BRITTANY BURKE - DIRECT EXAMINATION

1 examiner collects any fired projectiles that may be present or  
2 that they may find. She will or he will then sign a chain of  
3 custody form and hand them to an agent. If the agent whose  
4 case it is, in this case me, is not present, then another one  
5 of our agents will go, and then they will then turn them over  
6 to me via a chain of custody form. But that is all documented  
7 through the signing of a form as well. But it's just all the  
8 agent that goes to the autopsy does is pick them up, they've  
9 already been sealed by the medical examiner, and transport  
10 them back to the lab.

3:03:48PM11 Q. Were those brought to you?

3:03:50PM12 A. Yes, they would have been brought back to me at the lab.

3:03:53PM13 Q. And how many rounds, if any, were recovered from the  
14 autopsy in total?

3:03:59PM15 A. Fifty-four.

3:04:02PM16 Q. So 22 on the scene, 54 from the autopsy?

3:04:05PM17 A. That is correct.

3:04:08PM18 Q. Show you Government's 98. Do you recognize that?

3:04:13PM19 A. Yes, I do.

3:04:14PM20 Q. What is it?

3:04:15PM21 A. These are the projectiles that were collected from the  
22 autopsies of the victims.

3:04:20PM23 Q. Do you know how many were collected from the victims?

3:04:23PM24 A. If I can refresh my notes, I can tell you.

3:04:26PM25 MR. WILLIAMS: Let me first show this to defense

## BRITTANY BURKE - DIRECT EXAMINATION

1 counsel.

3:04:41PM 2 MS. PAAVOLA: No objection.

3:04:42PM 3 THE COURT: Let me just make sure -- What number is  
4 that?

3:04:45PM 5 MR. WILLIAMS: 98, Your Honor.

3:04:47PM 6 THE COURT: That's 98. And that's admitted without  
7 objection.

3:04:51PM 8 (Government Exhibit 98 received.)

3:04:51PM 9 THE COURT: Was 58 put in? I think you put it on the  
10 ELMO, I wasn't sure.

3:04:59PM 11 MR. WILLIAMS: If I hadn't, Your Honor, I apologize.  
12 Is there an objection?

3:05:03PM 13 MS. PAAVOLA: No, Your Honor.

3:05:04PM 14 THE COURT: 58 is admitted without objection.

3:05:07PM 15 (Government Exhibit 58 received.)

3:05:08PM 16 BY MR. WILLIAMS:

3:05:08PM 17 Q. So 98 is the -- all of the rounds that were recovered from  
18 the autopsy?

3:05:12PM 19 A. That is correct.

3:05:13PM 20 Q. Do you have an idea of how many came from each victim?

3:05:16PM 21 A. If I may refer to my notes.

3:05:17PM 22 Q. Go ahead.

3:05:35PM 23 A. There were four collected from Daniel Simmons, there were  
24 five collected from Sharonda Singleton, there were three  
25 collected from Pinckney, there were eight from Middleton

## BRITTANY BURKE - DIRECT EXAMINATION

1 Doctor, there were six from Hurd, and 11 -- what the medical  
2 examiner described as 11 bullets, two jackets and multiple  
3 fragments from Jackson. From Sanders there were four, from  
4 Lance there were seven and from Thompson there were eight.

3:06:35PM 5 Q. I want to ask you about you testified earlier about  
6 collecting items after something is moved. Were any -- is  
7 there any evidence collected from underneath victims?

3:06:46PM 8 A. Yes, there was -- upon moving the victims, there was  
9 cartridge cases, fired projectiles and fragments located in  
10 their clothing or hair or underneath them, and then at that  
11 point in time that was collected.

3:07:01PM 12 Q. Do you know approximating how many projectiles were  
13 located underneath people?

3:07:06PM 14 A. There were, I believe, six projectiles that were collected  
15 upon moving people. And those would have been found either on  
16 their clothing, in their hair or underneath them at that  
17 point.

3:07:22PM 18 Q. And is that part of the 22 that you testified to earlier?

3:07:25PM 19 A. Yes, it is.

3:07:28PM 20 Q. I want to ask you finally about fragments. I think you  
21 testified about magazines, fired rounds, and now a little bit  
22 about fragments. Can you explain what those are again?

3:07:41PM 23 A. When a bullet is fired, if it hits something, especially  
24 if it hits something hard, then pieces of it can break off,  
25 because that core is made of lead, and the outer -- the jacket

## BRITTANY BURKE - DIRECT EXAMINATION

1 can be made of -- is made of copper, and parts of that can  
2 break off and leave fragments of a bullet behind. And those  
3 pieces can range from a piece that's the size of the length of  
4 the bullet to a little bitty tiny piece as well. So those are  
5 what I mean when I say fragments, just pieces of bullet that's  
6 broken off when it's hit something.

3:08:20PM 7 Q. I'm going to show you Government's 60, 61 and 62. If you  
8 would look at those items. Do you recognize those?

3:08:50PM 9 A. I do.

3:08:51PM10 Q. And let's go over 60 first, that's the photograph?

3:08:54PM11 A. Yes, it is.

3:08:55PM12 Q. And does that show one of the items you collected?

3:08:58PM13 A. Yes, a photograph of a fragment that was from one of the  
14 markers on scene.

3:09:03PM15 Q. And is 61 the physical item, that actual fragment?

3:09:08PM16 A. Yeah, 61 is the actual fragment that is presented in the  
17 photograph.

3:09:13PM18 Q. What is 62?

3:09:14PM19 A. It is the rest of the fragments that were collected from  
20 the scene.

3:09:16PM21 MR. WILLIAMS: I show these to defense counsel.

3:09:26PM22 MS. PAAVOLA: Your Honor, subject to our earlier  
23 objections to 60, otherwise we have nothing further.

3:09:32PM24 THE COURT: Government 60 to 62 are admitted.

3:09:34PM25 (Government Exhibits 60, 61 and 62 received.)

## BRITTANY BURKE - DIRECT EXAMINATION

3:09:36PM 1 MR. WILLIAMS: Thank you.

3:09:36PM 2 BY MR. WILLIAMS:

3:09:37PM 3 Q. I'm going to put 60 up, if I could get the computer. And  
4 so that QQQQ, is that the fragment that has the number 61?

3:09:54PM 5 A. Yes, the little copper reflective item there is the  
6 fragment, and it's what's represented on -- it's  
7 representative of item 61.

3:10:06PM 8 Q. How small of a size item are you capable of collecting,  
9 given the size of that item?

3:10:12PM 10 A. We can collect them as small as we can see them. They can  
11 be tiny. If you think about anything that you can break and  
12 it shatters, it can be the same type concept, and they can be  
13 itty bitty pieces, as you see in that picture.

3:10:34PM 14 Q. Did you collect, did you find items sort of smaller than  
15 that that you did not collect because of their sort of value?

3:10:39PM 16 A. We did see some pieces that we believed to be fragments  
17 that were about the size of a pin head, and they forensically  
18 can not do anything, we can not determine anything from them.  
19 So due to the -- especially due to the amount of evidence that  
20 we already were collecting and had there, and those having no  
21 significant value or no forensic value actually, they were not  
22 collected on scene.

3:11:11PM 23 Q. I'm going to show you -- Let me ask you this first. Does  
24 that effectively cover the items that were located on the  
25 floor of the magazines, the fired rounds, the casings and the



## BRITTANY BURKE - DIRECT EXAMINATION

1 fragments?

3:11:22PM 2 A. Yes, it does.

3:11:23PM 3 Q. And obviously the two physical items, the belt and the  
4 pouch?

3:11:27PM 5 A. Yes.

3:11:28PM 6 Q. I'm going to show you now Government's 63, 64, 73, 74, 75,  
7 76. Would you look at those?

3:11:44PM 8 A. Okay.

3:12:07PM 9 Q. Are those all photos from the scene?

3:12:09PM 10 A. Yes, they are.

3:12:09PM 11 Q. Do they accurately depict the way they appeared?

3:12:13PM 12 A. Yes, they do.

3:12:14PM 13 MR. WILLIAMS: I show those to defense counsel, Your  
14 Honor.

3:12:16PM 15 MS. PAAVOLA: No objection, Your Honor.

3:12:18PM 16 THE COURT: Government's 63, 64, 73, 74, 75 and 76  
17 admitted without objection.

3:12:19PM 18 (Government Exhibits 63, 64, 73, 74, 75 and 76 received.)

3:12:19PM 19 BY MR. WILLIAMS:

3:12:20PM 20 Q. You testified earlier about rounds that hit walls or hit a  
21 ceiling. I don't want to go through all of those; I believe  
22 you said you marked them on 48 with red marks?

3:12:32PM 23 A. That is correct.

3:12:34PM 24 Q. But as an example, I'm going to go to Government's 63.  
25 Does that show a ceiling defect or a round that hit the

## BRITTANY BURKE - DIRECT EXAMINATION

1 ceiling?

3:12:43PM 2 A. Yes, it does. Well, in the part that's now magnified  
3 there, that is where you can see there's a defect and there  
4 was a projectile up in the ceiling there.

3:12:54PM 5 Q. I'm going to go to 64, which I think is a better close-up  
6 of that. Does that show the same round in the ceiling tile?

3:13:03PM 7 A. Yes, it does. That shows where you can see the projectile  
8 actually sticking out of the ceiling tile there.

3:13:10PM 9 Q. That is an example of once it hit the wall? I'm going to  
10 go to Government's 73. What's that show?

3:13:19PM 11 A. This is the wall up towards the front of the fellowship  
12 hall area there where there is a what we called -- or I put  
13 earlier suspected bullet defect underneath the light switch  
14 there.

3:13:37PM 15 Q. I'm going to go to 74. I'm going to zoom in on the two  
16 taped-off areas. What does that show?

3:13:46PM 17 A. These are walls in the front office where you can see  
18 where the bullet came through. Those actually correspond to  
19 the previous picture, it entered the wall underneath that  
20 light switch, came out where there's an actual L shape there,  
21 and then where there's more of a T shape, it expands, it hit  
22 the wall at that area as well.

3:14:13PM 23 Q. I'm going to go to -- so that's the back side of the same  
24 wall we saw in the previous exhibit?

3:14:19PM 25 A. That is correct.

## BRITTANY BURKE - DIRECT EXAMINATION

3:14:19PM 1 Q. 73. I'll go to 75. Is that the same room?

3:14:27PM 2 A. This is the same room. If you're looking at this chair,  
3 the last bullet strike we talked about, it would have been on  
4 the wall to the left of it and behind it.

3:14:39PM 5 Q. I'm going to go to 76. And is that the round that was  
6 found inside that room?

3:14:48PM 7 A. Yes, that is the fired projectile that was found in the  
8 room.

3:14:52PM 9 Q. That's an example of a round that would have gone through  
10 a wall and ended up inside an office?

3:14:57PM 11 A. Yes, that is correct.

3:15:02PM 12 Q. I'm going to go to Government's 80 through 86 and show  
13 those to you as well.

3:15:11PM 14 THE COURT: What numbers?

3:15:12PM 15 MR. WILLIAMS: 80, 81, 82, 83, 84, 85 and 86.

3:15:32PM 16 Q. If you can look at those. Do those all accurately  
17 represent the crime scene?

3:16:08PM 18 A. Yes, they do.

3:16:10PM 19 MR. WILLIAMS: I show these to defense counsel.

3:16:39PM 20 MS. PAAVOLA: Your Honor, subject to our earlier  
21 objections.

3:16:42PM 22 THE COURT: Very good. Government's 80, 81, 82, 83,  
23 84, 85 and 86 admitted.

3:16:48PM 24 (Government Exhibits 80 through 86 received.)

3:16:48PM 25 BY MR. WILLIAMS:

## BRITTANY BURKE - DIRECT EXAMINATION

3:16:49PM 1 Q. I want to take a look at 80 first. Can you describe  
2 what's depicted in that photo?

3:16:56PM 3 A. This is when the -- one of the chairs that was located in  
4 the area near where the victims were located and where those  
5 circular tables were located down the center of the room.

3:17:09PM 6 Q. I'm going to go to 81. Does that show the damage to that  
7 chair?

3:17:15PM 8 A. Yes, it does. This is the same chair, and you can see the  
9 damage and a projectile that is wedged in between the plastic  
10 and metal part of that chair there.

3:17:25PM 11 Q. I'm going to go to 82. Is there a similar damage shown in  
12 that photo?

3:17:32PM 13 A. There is, there's damage that you can see along the cross  
14 bar, on the legs of the table, so the leg goes down and then  
15 there's a cross bar that goes across there, and you can see  
16 some damage to that as well.

3:17:43PM 17 Q. I'm going to go to 83, which I think is a close-up of  
18 that. Is that consistent with a gunshot damage?

3:17:51PM 19 A. Yes, it is.

3:17:53PM 20 Q. Go to 84. Is that a similar strike underneath the table?

3:18:01PM 21 A. Yes, it is.

3:18:03PM 22 Q. Is that consistent with gunshot damage?

3:18:06PM 23 A. Yes, it is consistent.

3:18:08PM 24 Q. I'm going to go to 85. I believe you had testified  
25 earlier that some of the damage to the tablecloths was

## BRITTANY BURKE - DIRECT EXAMINATION

1 visible. Does it show that damage?

3:18:20PM 2 A. Yes, this shows the damage that you can see to the  
3 tablecloths.

3:18:25PM 4 Q. I'm going to go to 86. Is that damage to the table  
5 underneath those same bullet holes that were in the  
6 tablecloth?

3:18:37PM 7 A. Yes, this is a picture that shows that there were marks in  
8 or defects in the table itself underneath the tablecloths that  
9 had the defects in them.

3:18:52PM 10 Q. I want to ask you about the term a floor strike, do you  
11 know what that is?

3:18:59PM 12 A. I'm sorry?

3:19:01PM 13 Q. Do you know what the term a floor strike means?

3:19:03PM 14 A. Like a ricochet where a bullet hits the floor.

3:19:07PM 15 Q. Did you see any evidence of that in this case?

3:19:10PM 16 A. There were some spots on the floor that were consistent  
17 with a bullet defect, yes.

3:19:16PM 18 Q. And can you explain how that -- what evidence you see of  
19 that when you -- I guess what you found in this crime scene  
20 that was consistent with it?

3:19:25PM 21 A. So when you look at a defect in the floor, you can look at  
22 the directionality in their striations that are actually left  
23 by the bullet, and it can be dependent upon the type of  
24 flooring that it is or whether or not there was something over  
25 the floor like a rug or something like that can have an effect

## BRITTANY BURKE - DIRECT EXAMINATION

1 on it as well.

3:19:47PM 2 Q. I'm going to hand you Government's 91, 92, 93, 94 and 95.  
3 Are those all photos that fairly and accurately represent the  
4 crime scene?

3:20:21PM 5 A. Yes, they are.

3:20:22PM 6 MR. WILLIAMS: I show these to defense counsel.

3:20:33PM 7 MS. PAAVOLA: Subject to our earlier objections, Your  
8 Honor, nothing further.

3:20:36PM 9 THE COURT: Very good. The Government 91, 92, 93, 94  
10 and 95 are admitted.

3:20:42PM11 (Government Exhibits 91 through 95 received.)

3:20:42PM12 BY MR. WILLIAMS:

3:20:43PM13 Q. I'm going to call up 91 first. Can you explain to the  
14 jury what that is?

3:20:48PM15 A. This is a bullet defect that was located in the floor of  
16 the church.

3:20:54PM17 Q. I'm going to go to 92.

3:21:00PM18 A. This is again the defect that was located in the floor.

3:21:06PM19 Q. And then go to 93. Different defect?

3:21:11PM20 A. Yes.

3:21:13PM21 Q. Same thing though, a strike mark around a victim on the  
22 floor?

3:21:18PM23 A. Yes, it is.

3:21:19PM24 Q. Go to Government's 94. Is that a similar mark in a  
25 different location?

## BRITTANY BURKE - DIRECT EXAMINATION

3:21:27PM 1 A. Yes, it is.

3:21:29PM 2 Q. And finally 95. What was that item?

3:21:35PM 3 A. This item was a cell phone that appeared to have had a  
4 bullet defect to it as well.

3:21:43PM 5 Q. I want to ask you if the holes in the tables, the rounds  
6 found under people, the damage to the tablecloths, the floor  
7 strikes, are those all consistent with people being shot while  
8 underneath those tables?

3:22:00PM 9 A. It is consistent with the shots going underneath the  
10 tables with somebody standing and firing at the tables, with  
11 the damage to the table and the damage to the tablecloths,  
12 yes.

3:22:16PM 13 Q. And as well as rounds being found under people who may  
14 have been laying down when they were shot?

3:22:21PM 15 A. Yes, it is possible.

3:22:25PM 16 Q. So I want to ask you briefly about evidence being sent for  
17 testing. I think you testified about that earlier that you  
18 had some responsibility in getting evidence sent out for  
19 testing?

3:22:38PM 20 A. That is correct.

3:22:40PM 21 Q. Explain to the jury how that works at SLED.

3:22:46PM 22 A. How the evidence testing process works?

3:22:48PM 23 Q. Yeah, I mean, who makes those decisions and what's the  
24 process?

3:22:51PM 25 A. So for when deciding what to process, I will meet with

## BRITTANY BURKE - DIRECT EXAMINATION

1 whoever is going to be the lead investigator with the case, or  
2 in this case, lead investigators. I met with people from  
3 Charleston police department as well as people with SLED, and  
4 we decided what items we wanted to be tested and what items to  
5 send to the lab and what items we thought would be most  
6 beneficial there in order for us to get the best results for  
7 testing there.

3:23:26PM 8 Q. What type of testing are you talking about, what can be  
9 done?

3:23:30PM 10 A. There are all sorts of different things that can be done  
11 testing-wise. You can do DNA, latent prints, we have a  
12 firearms unit that can test and do firearms analysis. There  
13 is a trace unit in case you have any trace evidence that can  
14 do hairs and fibers and things of that nature, or any type of  
15 trace material, as well as other testing that can be done at  
16 the lab.

3:23:56PM 17 Q. Were items in this case sent for fingerprint testing?

3:24:00PM 18 A. Yes.

3:24:01PM 19 Q. And I'm talking about items in this case, from this crime  
20 scene at the church?

3:24:05PM 21 A. Yes, the magazines were sent for latent print testing.

3:24:11PM 22 Q. And I want to ask you, just generally speaking, was items  
23 also sent for ballistic testing?

3:24:18PM 24 A. Yes, they were.

3:24:18PM 25 Q. Are you familiar with the term chain of custody?



## BRITTANY BURKE - DIRECT EXAMINATION

3:24:21PM 1 A. Yes, I am.

3:24:21PM 2 Q. What's a chain of custody?

3:24:23PM 3 A. A chain of custody is a document that tells where the  
4 evidence went. So the chain of custody for this evidence all  
5 started with me. I was the lead agent at the crime scene. I  
6 collected all of the evidence and I took it back to SLED.  
7 From there, I logged it into our computer system. That then  
8 begins an electronic chain of custody. And how that works is  
9 each agent has a bar code, and when they receive the evidence,  
10 they scan the bar code that's assigned to the evidence, and  
11 it's from their bar code. So it keeps up with who touched  
12 that evidence and what time they had that there. But all of  
13 that began with me when I submitted the evidence, since I was  
14 the one that collected it.

3:25:10PM 15 Q. Is that all kept in the log?

3:25:11PM 16 A. It is. Like I said, it's all -- once it gets to the lab,  
17 it's all computer there, so the computer creates a log of each  
18 person, and what time they got the evidence and what date and  
19 time they gave it to somebody else, and that is all put into a  
20 log.

3:25:28PM 21 Q. Basically every person that's touched the item from the  
22 time it came to you till the time it may have been sent back  
23 to the appropriate agency?

3:25:35PM 24 A. That is correct.

3:25:36PM 25 Q. I'm going to show you Government's 97. Do you recognize

## BRITTANY BURKE - DIRECT EXAMINATION

1 that item?

3:25:45PM 2 A. Yes, this is the chain of custody for the evidence in this  
3 case.

3:25:51PM 4 Q. You said it was a document; is that a pretty long  
5 document?

3:25:54PM 6 A. Yes, it's a very long document.

3:25:55PM 7 Q. And that would show every person that's handled the item  
8 to show its sort of reliability and proof of custody?

3:26:03PM 9 A. That is correct.

3:26:05PM10 MR. WILLIAMS: Show this to defense counsel, Your  
11 Honor.

3:26:17PM12 MS. PAAVOLA: No objection.

3:26:18PM13 THE COURT: Government 97 is admitted without  
14 objection.

3:26:21PM15 (Government Exhibit 97 received.)

3:26:21PM16 BY MR. WILLIAMS:

3:26:27PM17 Q. I asked you earlier, you had some other roles in this case  
18 apart from processing this crime scene, is that right?

3:26:33PM19 A. That is correct.

3:26:33PM20 Q. You had actually processed a car later on?

3:26:36PM21 A. Yes. I did.

3:26:41PM22 MR. WILLIAMS: Your Honor, I'm going to -- I don't  
23 have any further questions. I would ask the Court's  
24 permission to re-call her at the appropriate time to detail  
25 other activity she had in the case.

## BRITTANY BURKE - DIRECT EXAMINATION

3:26:49PM 1 THE COURT: Very good. Cross-examination.

3:26:52PM 2 MS. PAAVOLA: Your Honor, can we have a short break  
3 to confer with our client, please?

3:26:56PM 4 THE COURT: Sure. We'll take our afternoon break.

3:27:07PM 5 (Jury excused.)

3:34:59PM 6 (A recess was held at this time.)

3:49:57PM 7 THE COURT: Okay. Bring back the jury, please.

3:50:00PM 8 (Jury present.)

3:51:15PM 9 THE COURT: Cross-examination by the defense.

3:51:16PM 10 MS. PAAVOLA: Your Honor, the Government has advised  
11 this witness will be re-called at a later point, so we are  
12 going to reserve cross-examination until that time.

3:51:24PM 13 THE COURT: That would be completely proper. That  
14 request is granted. You may step down.

3:51:30PM 15 A. Thank you.

3:51:40PM 16 MR. CURRAN: Government calls Keon Gordon, Your  
17 Honor.

3:51:43PM 18 THE COURT: Very good.

3:52:04PM 19 THE CLERK: State your full name for the record.

3:52:06PM 20 A. Keon Gordon.

3:52:10PM 21 KEON GORDON, a witness called by the Government, first  
22 having been duly sworn, testified as follows:

3:52:27PM 23 DIRECT EXAMINATION

3:52:27PM 24 BY MR. CURRAN:

3:52:33PM 25 Q. Good afternoon, Mr. Gordon. For the record, your name is

## KEON GORDON - DIRECT EXAMINATION

1 Keon Gordon, correct?

3:52:38PM 2 A. Yes.

3:52:38PM 3 Q. And how old are you?

3:52:40PM 4 A. I'm 26.

3:52:42PM 5 Q. And where are you from?

3:52:45PM 6 A. I'm from the Summerville area.

3:52:57PM 7 Q. All right. You're from the Charleston area generally.

3:52:59PM 8 A. Yes, sir.

3:53:00PM 9 Q. Have you lived here more or less all of your life?

3:53:03PM 10 A. Yes, sir.

3:53:04PM 11 Q. Did you go to high school, for example, in Charleston?

3:53:08PM 12 A. I went to Summerville High.

3:53:10PM 13 Q. And did you go to college?

3:53:15PM 14 A. Yes, sir.

3:53:15PM 15 Q. Where did you go to college?

3:53:16PM 16 A. University of South Carolina.

3:53:20PM 17 Q. Which campus?

3:53:21PM 18 A. Columbia.

3:53:22PM 19 Q. Did you get a degree from the University of South  
20 Carolina?

3:53:27PM 21 A. Yes, sir, I got a bachelor of science in electrical  
22 engineering.

3:53:29PM 23 Q. Are you employed now?

3:53:30PM 24 A. Yes.

3:53:31PM 25 Q. Where do you work?

## KEON GORDON - DIRECT EXAMINATION

3:53:32PM 1 A. I work for Santee Cooper.

3:53:34PM 2 Q. And what do you do?

3:53:38PM 3 A. I'm a field engineer.

3:53:39PM 4 Q. Is that related to your college degree?

3:53:41PM 5 A. Yes, sir.

3:53:51PM 6 MR. CURRAN: Your Honor, we're pulling up what's  
7 previously been admitted as Government's Exhibit 16.

3:53:57PM 8 THE COURT: Very good.

3:53:57PM 9 BY MR. CURRAN:

3:53:58PM 10 Q. If you look on your monitor, Mr. Gordon, you'll see a  
11 picture of an individual. Do you know this person?

3:54:04PM 12 A. Yes, sir.

3:54:07PM 13 Q. Have you ever met him before in person?

3:54:09PM 14 A. Yes, sir.

3:54:10PM 15 Q. How many times?

3:54:13PM 16 A. Dozens of times.

3:54:14PM 17 Q. And do you know this person's name?

3:54:16PM 18 A. Yes, it is Tywanza Sanders.

3:54:20PM 19 Q. Is this the same Tywanza Sanders that was killed in the  
20 Emanuel AME shootings last year?

3:54:26PM 21 A. Yes, sir, it is.

3:54:31PM 22 Q. When did you first meet Mr. Sanders?

3:54:32PM 23 A. Around 2006 or 2007.

3:54:34PM 24 Q. Is that when you were in high school?

3:54:36PM 25 A. Yes, sir.

## KEON GORDON - DIRECT EXAMINATION

3:54:37PM 1 Q. And how did you meet Mr. Sanders?

3:54:39PM 2 A. We both had mutual friends.

3:54:43PM 3 Q. Describe your relationship with Mr. Sanders at that time.

3:54:49PM 4 A. At the time I met him?

3:54:51PM 5 Q. Yeah.

3:54:52PM 6 A. We went to different schools, and I pretty much saw him, I

7 guess you would say on the party scene a good bit and just

8 hanging out through mutual friends.

3:55:00PM 9 Q. Kind of run in the same crowd?

3:55:02PM10 A. Yes, sir.

3:55:02PM11 Q. And did you consider Mr. Sanders to be a friend?

3:55:05PM12 A. Yes, sir.

3:55:07PM13 Q. And do you know if Mr. Sanders went to college?

3:55:09PM14 A. Yes, sir, he did.

3:55:11PM15 Q. Where did he go to college?

3:55:13PM16 A. He went to college at Allen, which is also in Columbia.

3:55:19PM17 Q. Did you maintain your friendship with Mr. Sanders when you

18 both were in college --

3:55:22PM19 A. Yes, sir.

3:55:22PM20 Q. -- in Columbia at the same time?

3:55:24PM21 A. Yes, sir.

3:55:26PM22 Q. And was it somewhat before part of a mutual group of

23 friends?

3:55:32PM24 A. Yes.

3:55:34PM25 Q. And did that friendship continue after you finished

## KEON GORDON - DIRECT EXAMINATION

1 college?

3:55:38PM 2 A. Yes, sir, it did.

3:55:41PM 3 Q. For example, were you close enough with Mr. Sanders that  
4 you knew what he did for a living?

3:55:47PM 5 A. Yes, he was a barber.

3:55:49PM 6 Q. And how do you know that?

3:55:51PM 7 A. Well, I got a few haircuts from him back when I had hair.

3:55:59PM 8 THE COURT: Pretty good evidence.

3:56:03PM 9 Q. I suspect he's not responsible for the way you look right  
10 now. Did you go to his barber shop?

3:56:08PM 11 A. No, sir, this was when we were in college, so it was more  
12 like going to a friend's house, or him coming over to where we  
13 stayed at and just giving a quick haircut.

3:56:17PM 14 Q. So that's the kind of friendship you had with him, you  
15 would get your hair cut by him at mutual friends' house?

3:56:24PM 16 A. Yes, sir.

3:56:25PM 17 Q. What about social media? Do you know what I mean when I  
18 talk -- when I say social media?

3:56:31PM 19 A. Yes.

3:56:32PM 20 Q. All right. Did you maintain your friendship with him  
21 through social media?

3:56:36PM 22 A. Yes, sir.

3:56:37PM 23 Q. What forms of social media would you use to maintain your  
24 relationship with Mr. Sanders?

3:56:45PM 25 A. FaceBook, Snapchat.

## KEON GORDON - DIRECT EXAMINATION

3:56:49PM 1 Q. I turn to June 17th and June 18th of last year.  
2 June 17th was the night of the shootings at Emanuel AME. When  
3 did you first learn that Mr. Sanders had been killed in that  
4 shooting?

3:57:05PM 5 A. It was the morning after the shooting.

3:57:08PM 6 Q. And how did you learn about that?

3:57:10PM 7 A. When I woke up to go to work I had a couple text messages  
8 from different friends --

3:57:15PM 9 Q. Go ahead, I'm sorry.

3:57:16PM 10 A. -- telling me what had happened.

3:57:18PM 11 Q. Or that mutual group of friends that you were talking  
12 about?

3:57:21PM 13 A. Yes.

3:57:21PM 14 Q. And what did you do when you initially got those texts?

3:57:25PM 15 A. I went and cut the news on to see, you know, what was  
16 going on, and trying to get some details about what was  
17 happening.

3:57:31PM 18 Q. And what was your reaction when you found out?

3:57:35PM 19 A. I honestly couldn't believe what had happened really.

3:57:38PM 20 Q. Why not?

3:57:40PM 21 A. It just seemed surreal that someone would do something  
22 like that.

3:57:44PM 23 Q. Did you go to work that day?

3:57:46PM 24 A. Yes, sir.

3:57:48PM 25 Q. When you went to work that day did you continue to look



## KEON GORDON - DIRECT EXAMINATION

1 for updates on what had happened the night before?

3:57:55PM 2 A. Yes, I did.

3:57:56PM 3 Q. And did you, as part of that, did you check your social  
4 media during the day?

3:58:01PM 5 A. Yes, I did.

3:58:03PM 6 Q. And did you notice anything unusual, anything unusual in  
7 your social media?

3:58:09PM 8 A. I noticed that on Snapchat that Tywanza had actually  
9 uploaded something on there.

3:58:15PM 10 Q. All right. So Mr. Sanders had uploaded something on  
11 Snapchat?

3:58:21PM 12 A. Yes.

3:58:23PM 13 Q. Let's talk about Snapchat for a second. Many of the  
14 jurors may understand what Snapchat is, some of them may not.  
15 What is your understanding of what Snapchat is?

3:58:35PM 16 A. Snapchat is a video application which allows users to take  
17 short videos and post them for people to see on the  
18 application.

3:58:43PM 19 Q. All right. So correct me if I'm wrong, but if someone  
20 creates a video, they can post it on the Snapchat website, is  
21 that correct?

3:58:52PM 22 A. Correct.

3:58:53PM 23 Q. And then somehow you can view it from the Snapchat  
24 website; is that how it works?

3:58:58PM 25 A. If you are friends with that person, you can view the

## KEON GORDON - DIRECT EXAMINATION

1 content that they post.

3:59:02PM 2 Q. When you view it, do you receive an actual copy of that  
3 video?

3:59:08PM 4 A. I'm allowed to go on his profile and actually watch what  
5 he's uploaded.

3:59:12PM 6 Q. So the video is not actually on whatever device you are  
7 using, a computer, your phone or iPad or tablet, it's not  
8 actually on your device.

3:59:21PM 9 A. Correct.

3:59:24PM 10 Q. At that time -- Strike that. So all you could do with  
11 Snapchat at that time was view it?

3:59:32PM 12 A. Correct.

3:59:33PM 13 Q. For how long in that time frame would you have access to  
14 the video?

3:59:39PM 15 A. The videos last for 24 hours and then they delete  
16 themselves.

3:59:44PM 17 Q. And why is that? Is that --

3:59:47PM 18 A. That's just how it works.

3:59:48PM 19 Q. Just a Snapchat rule?

3:59:50PM 20 A. Yes.

3:59:53PM 21 Q. So you mentioned that Mr. Sanders had posted the video,  
22 correct?

3:59:59PM 23 A. Correct.

4:00:00PM 24 Q. How did you know that?

4:00:02PM 25 A. When you go through the profile it shows you your friends

## KEON GORDON - DIRECT EXAMINATION

1 and if they have posted anything or not.

4:00:08PM 2 Q. And how does the -- well, how does that work? Just  
3 briefly explain, how do you identify --

4:00:15PM 4 A. Pretty much you can scroll down and it will just appear in  
5 your profile if someone has posted anything recent that you  
6 have not looked at yet.

4:00:22PM 7 Q. So you open up the Snapchat app? Application.

4:00:26PM 8 A. Um-hum.

4:00:27PM 9 Q. And then it will show you what you've gotten from your  
10 friends.

4:00:30PM 11 A. Correct.

4:00:32PM 12 Q. When you opened -- on June 18th, when you opened up your  
13 Snapchat app and you saw that you had something from  
14 Mr. Sanders -- Actually you had had a notification that he had  
15 posted something; how many videos had he posted?

4:00:48PM 16 A. There were two in there.

4:00:50PM 17 Q. And did you view them both?

4:00:51PM 18 A. Yes, sir.

4:00:53PM 19 Q. What did you see? Just generally describe what the two  
20 videos were.

4:00:59PM 21 A. The first was him at the barber shop talking with some  
22 people, and then the second one was him in Bible study.

4:01:12PM 23 Q. Could you repeat that second answer? What was the second  
24 one?

4:01:14PM 25 A. The second one was snap of him in Bible study.

## KEON GORDON - DIRECT EXAMINATION

4:01:24PM 1 Q. The second one you said was from the Bible study the night  
2 before, is that correct?

4:01:29PM 3 A. Yes, sir.

4:01:30PM 4 Q. What made you think that it was from the Bible study the  
5 night before?

4:01:34PM 6 A. The time, and also the title across the video.

4:01:38PM 7 Q. And do you recall right now exactly what the title was  
8 across the video?

4:01:44PM 9 A. It was a reference to Bible study. I'm not sure  
10 completely.

4:01:47PM 11 Q. So within that title there was a reference to Bible study?

4:01:51PM 12 A. Correct.

4:01:55PM 13 Q. Pretty good indicator that it was from the Bible study.

4:01:54PM 14 A. Correct.

4:01:55PM 15 Q. What was your reaction when you received that?

4:01:58PM 16 A. I thought it was very strange to see, you know, the last  
17 thing he posted was still there.

4:02:04PM 18 Q. And what did you do in reaction, after you realized that  
19 he had posted a video?

4:02:12PM 20 A. Attempted to save the video, since it would delete in a  
21 few more hours.

4:02:17PM 22 Q. And what did you do in your attempt to save it? How did  
23 you do that?

4:02:22PM 24 A. I had some --

4:02:23PM 25 Q. Let me stop you. Could you save it on your phone?

## KEON GORDON - DIRECT EXAMINATION

4:02:26PM 1 A. No, I could not.

4:02:27PM 2 Q. So when you get -- Snapchat wouldn't allow you to save it  
3 to your own phone?

4:02:31PM 4 A. No, I can not save anyone else's videos to my phone.

4:02:35PM 5 Q. So what did you do to try to save it?

4:02:37PM 6 A. I had to use another phone to actually record the video.

4:02:41PM 7 Q. And did you do that?

4:02:42PM 8 A. Yes, sir.

4:02:44PM 9 Q. Why did you want to preserve it?

4:02:48PM 10 A. Just because it was the last thing he posted, I thought,  
11 you know, that would be something worth keeping.

4:02:55PM 12 Q. Did you notice anything in the video when you looked at it  
13 that made you also want to preserve it?

4:03:01PM 14 A. Yes, sir.

4:03:02PM 15 Q. And what was that?

4:03:03PM 16 A. In the corner of the video you could see the accused  
17 killer in it.

4:03:07PM 18 Q. So you believed that you could see the individual accused  
19 of carrying out the killings in the video?

4:03:16PM 20 A. Yes, sir.

4:03:17PM 21 Q. All right. And why did you believe that? What about the  
22 video made you think that?

4:03:23PM 23 A. Just seeing the news reports and kind of seeing the videos  
24 they posted about them, and then just noticing that it was a  
25 white individual in the actual snap that resembled what the

## KEON GORDON - DIRECT EXAMINATION

1 news was posting.

4:03:35PM 2 Q. And so the person you saw resembled, to you, what you had  
3 heard about a description of the killer in the news reports?

4:03:44PM 4 A. Correct.

4:03:45PM 5 Q. All right. So how did you -- well, I think you already  
6 stated this, but how -- what did you do with the video to  
7 begin the process of saving it?

4:03:56PM 8 A. Used someone else's phone to actually record the video and  
9 then send it to myself.

4:04:00PM 10 Q. How did you send it to yourself?

4:04:02PM 11 A. I believe it was through like a text message.

4:04:04PM 12 Q. So you copied it onto someone else's phone, then texted it  
13 to yourself.

4:04:10PM 14 A. Yes, sir.

4:04:10PM 15 Q. What did you do with the file that you had, the video file  
16 you had just texted to yourself?

4:04:16PM 17 A. I kept it.

4:04:18PM 18 Q. And did you do anything else on your own phone to attempt  
19 to preserve portions of the video?

4:04:29PM 20 A. Yes, I actually took a screen shot of it.

4:04:31PM 21 Q. One screen shot?

4:04:33PM 22 A. Three.

4:04:33PM 23 Q. So you took three screen shots of it as well?

4:04:36PM 24 A. Correct.

4:04:38PM 25 Q. Did you take the screen shots on your own phone or on your

## KEON GORDON - DIRECT EXAMINATION

1 friend's phone?

4:04:42PM 2 A. This is on my own phone.

4:04:43PM 3 Q. So after you were done with this, and you would have had  
4 four files on your phone, the video that you texted to  
5 yourself, and the three screen shots, correct?

4:04:53PM 6 A. Yes, sir.

4:04:56PM 7 Q. And did you save those screen shots as well?

4:04:58PM 8 A. Yes.

4:05:17PM 9 Q. I'm handing you what's been marked for purposes of  
10 identification at this point as Government's Exhibit 99. Just  
11 take a quick look at it. Are you familiar with this exhibit?

4:05:30PM 12 A. Yes, sir, I am.

4:05:31PM 13 Q. Did you review that exhibit before you testified today?

4:05:34PM 14 A. Yes, sir.

4:05:35PM 15 Q. How do you know that?

4:05:36PM 16 A. I saw it and I signed and dated it.

4:05:39PM 17 Q. And did you review what was on that? Well, it's a DVD  
18 that you have in your hand, correct?

4:05:50PM 19 A. Yes, sir.

4:05:50PM 20 Q. Did you review the video that's on that DVD?

4:05:54PM 21 A. Yes, sir.

4:05:55PM 22 Q. And what is it?

4:05:56PM 23 A. It is the video that -- it is a video of what I took.

4:05:59PM 24 Q. Was it a copy of the Snapchat video that --

4:06:03PM 25 A. Yes, sir.

## KEON GORDON - DIRECT EXAMINATION

4:06:03PM 1 Q. -- that file that you sent to yourself? All right. Is it  
2 a complete and accurate copy of that video?

4:06:10PM 3 A. Yes, sir, it is.

4:06:12PM 4 MR. CURRAN: Your Honor, we'd move for admission of  
5 Government's Exhibit 99.

4:06:15PM 6 THE COURT: Very good. Is there an objection?

4:06:18PM 7 MS. PAAVOLA: No objection.

4:06:19PM 8 THE COURT: Government 99 is admitted without  
9 objection.

4:06:21PM 10 (Government Exhibit 99 received.)

4:06:38PM 11 MR. CURRAN: If you look on your screen, Your Honor,  
12 we are publishing -- we request permission to publish it to  
13 the jury, Your Honor.

4:06:46PM 14 THE COURT: You have the Court's permission.

4:06:48PM 15 BY MR. CURRAN:

4:06:49PM 16 Q. On your screen is a copy of Government's Exhibit 99, and  
17 I'm going to ask Miss Baker to play it through and then I will  
18 ask you some questions about it, Mr. Sanders.

4:07:04PM 19 (Video played.)

4:07:14PM 20 Q. All right. Go back, please. It appears -- the video  
21 appears to be about ten seconds long. Is that consistent with  
22 Snapchat videos at that time?

4:07:25PM 23 A. Yes, sir.

4:07:25PM 24 Q. Are they basically ten seconds long --

4:07:27PM 25 A. Around that.



## KEON GORDON - DIRECT EXAMINATION

4:07:28PM 1 Q. -- or shorter?

4:07:29PM 2 A. Um-hum.

4:07:30PM 3 Q. We're going to go back to the start, and on your screen  
4 you have what is displayed at the beginning of the file. What  
5 is displayed here?

4:07:42PM 6 A. So when I opened up my -- the application on my phone,  
7 this is the list of people that I'm friends with, and this  
8 allows me to view their content that they post.

4:07:52PM 9 Q. So this is the friends list you were talking about before?

4:07:54PM 10 A. Yes, sir.

4:07:55PM 11 Q. And there's -- looks to be a thumbnail or at least a  
12 fingernail there. Is that your fingernail?

4:08:02PM 13 A. Yes, sir.

4:08:02PM 14 Q. And what is it next to on your friend list?

4:08:06PM 15 A. It's next to Wanza's profile.

4:08:09PM 16 Q. And what are you actually doing with your finger at that  
17 point?

4:08:14PM 18 A. In order to view what he's posted, I have to actually  
19 physically touch it.

4:08:19PM 20 MR. CURRAN: And if you just advance it there.

4:08:33PM 21 (Video played.)

4:08:35PM 22 Q. Okay. Now, across the middle of the video is a banner  
23 with some text; you see that?

4:08:44PM 24 A. Correct.

4:08:49PM 25 Q. That's where you're referring to earlier when you said

## KEON GORDON - DIRECT EXAMINATION

1 there was something about a Bible study on the video?

4:08:50PM 2 A. Yes, sir.

4:08:50PM 3 Q. Did you put that on there?

4:08:52PM 4 A. No, sir.

4:08:52PM 5 Q. Did you alter this video in any way other than to text it  
6 to yourself and copy it?

4:08:58PM 7 A. No, sir.

4:08:59PM 8 Q. So was that on the video as it was posted to Snapchat?

4:09:03PM 9 A. Yes, sir, it was.

4:09:08PM 10 Q. Do you know any of the individuals in this photo?

4:09:10PM 11 A. No, sir.

4:09:13PM 12 Q. You mentioned that earlier that you believed that one of  
13 the individuals in this photo or in this video could have been  
14 the killer.

4:09:24PM 15 A. Yes, sir.

4:09:24PM 16 Q. Correct? Do you see the person you identified as such in  
17 this particular frame?

4:09:29PM 18 A. Yes, sir, he looked to the far right of the video.

4:09:35PM 19 Q. And if you look to the far right, about how far down the  
20 video were you referring to?

4:09:43PM 21 A. Maybe midway.

4:09:46PM 22 Q. And have you shown me, previous to this, where you believe  
23 that person is?

4:09:51PM 24 A. Yes, sir.

4:09:52PM 25 Q. I'm going to circle on the screen, and tell me if I've got

## KEON GORDON - DIRECT EXAMINATION

1 it correct.

4:09:58PM 2 A. Yes, sir. That is correct.

4:10:08PM 3 Q. Now, the screen shots, are they a little bit clearer than  
4 the video?

4:10:13PM 5 A. Yes.

4:10:22PM 6 MR. CURRAN: For the record, I'm handing the witness  
7 what's been previously marked as Government's Exhibit 100 for  
8 identification.

4:10:29PM 9 Q. Please review that, Mr. Sanders. Excuse me, Mr. Gordon.  
10 Are you familiar with this exhibit?

4:10:40PM 11 A. Yes, sir.

4:10:41PM 12 Q. Did you review this exhibit before you testified today?

4:10:44PM 13 A. Yes, sir, I did.

4:10:45PM 14 Q. What is it?

4:10:47PM 15 A. It is one of three screen shots that I took.

4:10:51PM 16 Q. Is it a complete and accurate copy of one of those screen  
17 shots?

4:10:54PM 18 A. Yes, sir.

4:10:55PM 19 MR. CURRAN: Your Honor, we'd move for its admission  
20 at this time.

4:10:59PM 21 MS. PAAVOLA: No objection.

4:11:00PM 22 THE COURT: Government 100 is admitted without  
23 objection.

4:11:02PM 24 (Government Exhibit 100 received.)

4:11:02PM 25 BY MR. CURRAN:

## KEON GORDON - DIRECT EXAMINATION

4:11:15PM 1 Q. And why did you take a screen shot?

4:11:19PM 2 A. I wanted to get a still picture of who I believed was --  
3 who I thought the killer at the time in the video.

4:11:25PM 4 Q. And that would be the individual you pointed out earlier?

4:11:28PM 5 A. Yes, sir.

4:11:29PM 6 Q. And I'm going to circle again, and tell me if this is the  
7 person you're referring to.

4:11:35PM 8 A. Yes, sir, that's correct.

4:11:50PM 9 MR. CURRAN: For the record, Your Honor, if I haven't  
10 moved for admission of this --

4:11:56PM11 THE COURT: 100 is admitted.

4:11:59PM12 MR. CURRAN: I'm handing the witness what's been  
13 previously marked as Government Exhibit 100. 101, excuse me.

4:12:08PM14 Q. Please review that exhibit, Mr. Gordon. Are you familiar  
15 with that exhibit?

4:12:15PM16 A. Yes, sir.

4:12:16PM17 Q. Did you review it before you testified today?

4:12:18PM18 A. Yes.

4:12:18PM19 Q. And what is that exhibit?

4:12:20PM20 A. It's another one of the three screen shots that I took.

4:12:26PM21 MR. CURRAN: We'd move for --

4:12:27PM22 Q. Is that a complete and accurate copy of the screen shot?

4:12:30PM23 A. Yes, sir.

4:12:30PM24 MR. CURRAN: We'd move for its admission, Your Honor.

4:12:33PM25 MS. PAAVOLA: No objection.

## KEON GORDON - DIRECT EXAMINATION

4:12:34PM 1 THE COURT: Government 101 is admitted without  
2 objection.

4:12:36PM 3 (Government Exhibit 101 received.)

4:12:36PM 4 MR. CURRAN: And publish it to the jury?

4:12:38PM 5 THE COURT: You may.

4:12:39PM 6 BY MR. CURRAN:

4:12:39PM 7 Q. Now, is this very similar to the one you took before?

4:12:43PM 8 A. Yes, sir, it is.

4:12:43PM 9 Q. Why did you take two?

4:12:46PM 10 A. Just difficult trying to get that particular shot.

4:12:50PM 11 Q. And why were you interested in trying to get that  
12 particular shot?

4:12:54PM 13 A. Just trying to get a clearer picture of who that is on the  
14 right side of the video.

4:13:08PM 15 MR. CURRAN: I'm now handing what's been marked for  
16 purposes of identification as Government's Exhibit 102.

4:13:17PM 17 Q. Mr. Gordon, if you would review that exhibit. Now, are  
18 you familiar with that exhibit?

4:13:30PM 19 A. Yes, sir.

4:13:30PM 20 Q. And what is it?

4:13:31PM 21 A. That's another one of -- it's the third of the three  
22 screen shots that I took.

4:13:35PM 23 Q. That's the third of the three screen shots?

4:13:37PM 24 A. Yes, sir.

4:13:37PM 25 Q. Is it a complete and accurate copy of that screen shot?

## KEON GORDON - DIRECT EXAMINATION

4:13:40PM 1 A. Yes, sir.

4:13:43PM 2 MR. CURRAN: And we'd move for its admission, Your  
3 Honor.

4:13:45PM 4 THE COURT: Any objection?

4:13:46PM 5 MS. PAAVOLA: No objection.

4:13:47PM 6 THE COURT: 102 is admitted without objection, and  
7 permission to publish.

4:13:51PM 8 (Government Exhibit 102 received.)

4:13:52PM 9 BY MR. CURRAN:

4:13:54PM 10 Q. And this appears to be a further in, if you look at the  
11 upper right it says eight on the top; does that mean eight  
12 seconds left in the video?

4:14:03PM 13 A. Correct.

4:14:03PM 14 Q. And it's very different in terms of people that it  
15 pictures in the frame. Why did you take this screen shot?

4:14:09PM 16 A. I was still attempting to get one of the first two, and it  
17 was just difficult to try and get it as soon as the video  
18 started.

4:14:16PM 19 Q. So this is essentially a mistake you made while you were  
20 trying to get the other two?

4:14:21PM 21 A. Yes, sir.

4:14:22PM 22 Q. What did you do with these videos and screen shots after  
23 you saved them?

4:14:28PM 24 A. I then turned them over to the FBI.

4:14:31PM 25 Q. And did you give that on your phone in its entirety so

## KEON GORDON - DIRECT EXAMINATION

1 they could copy them?

4:14:36PM 2 A. Yes, sir, they took my phone and downloaded the  
3 information off of it.

4:14:42PM 4 MR. CURRAN: No further questions, Your Honor.

4:14:44PM 5 THE COURT: Cross-examination.

4:14:45PM 6 MS. PAAVOLA: No questions for Mr. Gordon, Your  
7 Honor.

4:14:47PM 8 THE COURT: Thank you, Mr. Gordon, you may step down,  
9 sir.

4:15:09PM 10 MR. WILLIAMS: Call the next witness, Your Honor?

4:15:10PM 11 THE COURT: Government call your next witness.

4:15:12PM 12 MR. WILLIAMS: Thank you. Government calls Brian  
13 Womble.

4:15:26PM 14 THE CLERK: State your full name for the record.

4:15:27PM 15 A. Brian S. Womble. W-O-M-B-L-E.

4:15:33PM 16 BRIAN WOMBLE, a witness called by the Government, first  
17 having been duly sworn, testified as follows:

4:15:38PM 18 DIRECT EXAMINATION

4:15:38PM 19 BY MR. WILLIAMS:

4:15:53PM 20 Q. Sir, can you tell the jurors where you work?

4:15:55PM 21 A. I work for the FBI.

4:15:57PM 22 Q. What do you do at the FBI?

4:15:59PM 23 A. I'm a supervisor of the Charleston FBI office.

4:16:17PM 24 Q. You said -- what did you say your position is with the FBI  
25 right now?

## KEON GORDON - DIRECT EXAMINATION

4:16:21PM 1 A. I'm the supervisor of the Charleston office.

4:16:23PM 2 Q. How long have you been the supervisor in Charleston?

4:16:25PM 3 A. I've been the supervisor here for the last six and a half  
4 years. Previous to that I was a supervisor in the public  
5 corruption unit in Washington, D.C. I've been with the FBI  
6 since 1999.

4:16:36PM 7 Q. What did you do before you worked for the FBI?

4:16:39PM 8 A. I was a captain in the United States Marine Corps.

4:16:41PM 9 Q. Is that what you did right out of high school, the  
10 Marines?

4:16:45PM 11 A. No, after I graduated college I went through officer  
12 candidate school and became an infantry officer in the  
13 Marines.

4:16:52PM 14 Q. So after the Marines did you then go right to the FBI?

4:16:54PM 15 A. I did.

4:16:55PM 16 Q. And what was your first job with the FBI?

4:16:58PM 17 A. I was assigned to the Providence, Rhode Island office, I  
18 was there for nine years.

4:17:02PM 19 Q. Were you a special agent there?

4:17:03PM 20 A. I was.

4:17:04PM 21 Q. What type of cases did you investigate and --

4:17:06PM 22 A. I worked primarily criminal investigations. I was -- also  
23 spent 100 days in Baghdad, Iraq, in a terrorism matter, and I  
24 was also involved in the 9/11 investigation.

4:17:19PM 25 Q. And how many years were you in Rhode Island?



## KEON GORDON - DIRECT EXAMINATION

4:17:22PM 1 A. Nine years, sir.

4:17:23PM 2 Q. What did you do after you worked in Rhode Island?

4:17:25PM 3 A. I went to FBI headquarters, I was promoted to a  
4 supervisory special agent position, and I supervised the west  
5 region of the United States in the public corruption cases.

4:17:37PM 6 Q. How many people would you have supervised in that  
7 position?

4:17:41PM 8 A. Directly, just one or two. It was more of a program  
9 oversight.

4:17:46PM 10 Q. How long did you have that position?

4:17:49PM 11 A. Two years.

4:17:49PM 12 Q. What did you do after that?

4:17:51PM 13 A. I came here and took over the Charleston office of the  
14 FBI.

4:17:54PM 15 Q. And can you explain to the jury sort of how the resident  
16 agency works in the State of South Carolina with the FBI?

4:18:02PM 17 A. Yes. So one of the FBI's priorities is supporting our law  
18 enforcement partners. We do that through investigations, we  
19 do that through the examinations, support of evidence, we do  
20 that through training. So what you see is federal criminal  
21 law and state and local criminal law overlap many times. And  
22 many times the best way to investigate cases is to do it  
23 jointly. So we have task force in our office, we have a task  
24 force, joint terrorism task force, many of the case  
25 investigations we do, we do with our law enforcement partners.

## KEON GORDON - DIRECT EXAMINATION

4:18:36PM 1 Q. Can you explain sort of how the FBI is set up in South  
2 Carolina. Is there an office just in Charleston, or other  
3 part of the state?

4:18:44PM 4 A. The headquarters for South Carolina is in Columbia, seven  
5 satellite offices, the two biggest being in Charleston and  
6 Greenville.

4:18:51PM 7 Q. And as a supervisor, what are you in charge of in  
8 Charleston?

4:18:59PM 9 A. I'm in charge of the administrative of the Charleston  
10 office, and I'm also in charge of all criminal investigations,  
11 and actually also oversee -- we have a small office in Hilton  
12 Head with three agents. I oversee the investigations there as  
13 well.

4:19:06PM 14 Q. And how many agents do you directly supervise at this  
15 point in time?

4:19:10PM 16 A. I believe it's 15.

4:19:12PM 17 Q. And was that your -- were you doing the same thing back in  
18 June of last year?

4:19:16PM 19 A. I was. That's correct.

4:19:17PM 20 Q. So you talked a little bit about one of the priorities of  
21 the FBI being supporting other agencies. Can you explain how  
22 that overlap works in real time in terms of relationships with  
23 those agencies?

4:19:31PM 24 A. Sure. So, you know, we're working with those agencies on  
25 a regular basis, a lot of that liaison and building those

## KEON GORDON - DIRECT EXAMINATION

1 cases, we do a lot of training with them. One example of  
2 training that we've done with local agencies in 2013, we  
3 hosted a -- an active -- an active shooter and mass killing  
4 exercise and table top. Involved over 50 law enforcement  
5 executives, first responders, involved the hospitals here in  
6 Charleston, and we went through all the things that the FBI  
7 can add to those investigations. We went through scenarios,  
8 planning if things happen. So we do a lot of crisis  
9 management as well as our investigations with the local and  
10 state authorities.

4:20:19PM11 Q. And just in general, on any type of case what type of  
12 resources does the FBI offer local agencies?

4:20:25PM13 A. Sure. We -- we offer investigative assistance, we offer  
14 laboratory assistance, behavior analysis, tactical assistance  
15 in terms of our SWAT teams, our bomb techs. We have a victim  
16 assistance program and a victim assistance deployment program,  
17 where if there's a tragedy such as this anywhere in the  
18 country, we'll deploy our victim specialist to help with --  
19 work with the victims, and all the logistics that go with  
20 that.

4:21:00PM21 Q. How would you describe your relationship with other  
22 federal agencies as well as local agencies, specifically the  
23 Charleston city police department?

4:21:09PM24 A. Strong. Very strong. I've had a long working  
25 relationship with Chief Mullen, with SLED, with North

## KEON GORDON - DIRECT EXAMINATION

1 Charleston, all the agencies here. We spent a lot of time  
2 together, there's been a lot of investigations that we've done  
3 jointly. So I had been here for over five years, in June,  
4 almost five years in June of 2015, so we had a strong working  
5 relationship with the command staff.

4:21:34PM 6 Q. And you talked a little bit earlier about mass killing and  
7 active shooter scenarios. What do those terms mean to the  
8 FBI?

4:21:43PM 9 A. Yeah. So an active shooter is essentially an individual  
10 trying to kill other individuals in a publicly-populated area.  
11 And then mass killing by a federal statute actually is defined  
12 as a killing of three or more individuals in an area that's  
13 available to public use.

4:22:05PM 14 Q. And so what is the FBI's role in either a mass killing or  
15 an active shooting scenario if, as in this case, the locals  
16 are already sort of working on the case.

4:22:15PM 17 A. Yes. So in 2012 Congress passed the Victim Assistance for  
18 Violent Crime Act. And what that did is further defined the  
19 FBI's also role in a mass killing or active shooter scenario.

4:22:29PM 20 And what it says is the FBI, at the request of local law  
21 enforcement, can provide assistance. And that includes all  
22 the things I talked about before, investigative assistance,  
23 helping set up a command post, the victim teams, the tactical  
24 teams, the evidence response, whatever we can do in a  
25 situation like that, that takes up such a massive amount of

## KEON GORDON - DIRECT EXAMINATION

1 investigation or manpower. And in addition to that, sometimes  
2 those incidents will have a federal nexus. So it happens on  
3 federal property, it has a terrorism nexus, it has a civil  
4 rights nexus.

4:23:03PM 5 Q. So you may also not just be able to assist the locals,  
6 maybe they assist you if there's federal violations?

4:23:09PM 7 A. Absolutely. It's a joint effort, a team effort.

4:23:12PM 8 Q. And you mentioned also that there was particular training  
9 sort of with mass casualties or crisis management. What is  
10 the general approach to a mass casualty or a sort of crisis  
11 situation?

4:23:25PM 12 A. Yeah, so the idea with that is that we come in and we  
13 assist those agencies as they build the command. Now, if  
14 there's a federal nexus or federal law is violated as well,  
15 there will probably be more of a joint command post, we're  
16 running it together.

4:23:39PM 17 And in building up with that there's a lot of training  
18 that we try to do, active shooter training, crisis management  
19 training. Ideally we plan for these things and they never  
20 happen. You know, in 2013 when we had a table top exercise,  
21 we certainly didn't think that that was going to happen here  
22 in Charleston. But -- and by the way, the Charleston police  
23 department brought their whole command staff to that, every  
24 lieutenant and above was there, whether active participants,  
25 and that certainly came together when we were in a crisis

## KEON GORDON - DIRECT EXAMINATION

1 situation working together.

4:24:11PM 2 MR. BRUCK: If Your Honor please, may I approach?

4:24:26PM 3 THE COURT: You may.

4:24:22PM 4 (Following discussion held at side bar.)

4:24:24PM 5 THE COURT: Yes, sir.

4:24:24PM 6 MR. BRUCK: I'm going to interpose a relevance

7 objection.

4:24:28PM 8 THE COURT: What is the relevance?

4:24:29PM 9 MR. BRUCK: Mr. Womble is a wonderful guy, but what's  
10 this about?

4:24:33PM 11 MR. WILLIAMS: He's going to talk about the resources  
12 that were allocated to the investigation.

4:24:37PM 13 THE COURT: I'm not sure I get that. I mean, just  
14 put the evidence up. What's the evidence? I mean, I fussed  
15 with Mr. Bruck about talking about the evidence. I just don't  
16 know why -- in some ways what you're doing is you're trying to  
17 bolster him, and I just don't think you need to do that.

4:24:53PM 18 MR. WILLIAMS: I will move along to how they set up  
19 the command post and assigned the --

4:24:56PM 20 THE COURT: Why is even the command post relevant?

4:24:59PM 21 MR. WILLIAMS: Because it has to go to how the  
22 defendant was apprehended, how the defendant was caught.  
23 Leads came in, they worked the leads, then they arrested him.  
24 The bomb threat.

4:25:10PM 25 MR. BRUCK: That, too, why don't they go to how he

## KEON GORDON - DIRECT EXAMINATION

1 was arrested?

4:25:15PM 2 THE COURT: Why don't you just go to how he was  
3 apprehended.

4:25:17PM 4 MR. WILLIAMS: I can do that. Yeah.

4:25:19PM 5 MR. BRUCK: This isn't --

4:25:22PM 6 MR. WILLIAMS: He can say what --

4:25:24PM 7 MR. BRUCK: Okay.

4:25:25PM 8 THE COURT: We okay on that?

4:25:26PM 9 MR. BRUCK: Yes. And I have a little bit of cross,  
10 but this is dangling about the bomb threat.

4:25:30PM 11 MR. WILLIAMS: Do you want me to cover that?

4:25:32PM 12 MR. BRUCK: You can do that. Yeah, sure, why not.

4:25:36PM 13 THE COURT: It's been raised; Mr. Bruck's proper to  
14 do it.

4:25:40PM 15 (Side bar discussion concluded.)

4:25:51PM 16 THE COURT: There's a motion of relevance.  
17 Sustained.

4:25:53PM 18 BY MR. WILLIAMS:

4:25:57PM 19 Q. Agent Womble, I want to get to the specific activity in  
20 this case and I want to ask you specifically about was there a  
21 bomb threat that was called in to the church?

4:26:05PM 22 A. There was.

4:26:06PM 23 Q. And was that something you were involved with  
24 investigating?

4:26:09PM 25 A. It was something the FBI was involved in investigating.

## KEON GORDON - DIRECT EXAMINATION

1 An outside -- when we were outside divisions, that subject was  
2 actually somebody who was already under investigation and  
3 by -- when the phone call came in, we were able to trace it to  
4 that subject, and he was later arrested for a bomb threat. It  
5 didn't deal directly with -- that individual had seen what was  
6 going on in the news, and had called in the bomb threat  
7 relating to it watching there.

4:26:37PM 8 Q. So it was not anything related to this defendant?

4:26:40PM 9 A. It was not related at all to this defendant.

4:26:42PM 10 Q. And there was earlier testimony about a BOLO, a picture  
11 that was released. Were you involved in disseminating that?

4:26:50PM 12 A. Yes, I was.

4:26:51PM 13 Q. And were you involved with coordinating leads overnight  
14 with other agencies?

4:26:56PM 15 A. Yes, I was.

4:26:57PM 16 Q. And was there eventually an arrest made the next morning  
17 in Shelby?

4:27:01PM 18 A. Yes, that's correct.

4:27:02PM 19 Q. And in terms of your role then, you would have been the  
20 local supervisor from the time the events occurred, until the  
21 arrest in Shelby the next morning?

4:27:12PM 22 A. That's correct.

4:27:14PM 23 MR. WILLIAMS: No further questions, Your Honor.

4:27:15PM 24 THE COURT: Very good. Cross-examination.

4:27:17PM 25 MR. BRUCK: No questions, thank you.



## DANIEL BERNAT - DIRECT EXAMINATION

4:27:18PM 1 THE COURT: Very good. Thank you. Good to have you  
2 here. Call your next witness.

4:27:23PM 3 MR. WILLIAMS: Thank you, Government calls Dan  
4 Bernat.

4:27:49PM 5 THE CLERK: State your full name for the record.

4:27:52PM 6 A. Daniel Ryan Bernat.

4:27:56PM 7 DANIEL BERNAT, a witness called by the Government, first  
8 having been duly sworn, testified as follows:

4:28:02PM 9 DIRECT EXAMINATION

4:28:02PM10 BY MR. WILLIAMS:

4:28:16PM11 Q. Sir, can you tell the jurors where you work?

4:28:19PM12 A. Police officer with the Shelby police department in  
13 Shelby, North Carolina.

4:28:22PM14 Q. Where is Shelby, North Carolina?

4:28:24PM15 A. Between Asheville and Charlotte.

4:28:27PM16 Q. How far outside Charlotte is it?

4:28:29PM17 A. An hour. Hour west of Charlotte.

4:28:33PM18 Q. What do you do with the Shelby police department?

4:28:35PM19 A. Currently assigned to the problem solving unit.

4:28:38PM20 Q. Say that again.

4:28:39PM21 A. I'm assigned to the problem solving unit.

4:28:41PM22 Q. How long have you worked with the Shelby police  
23 department?

4:28:45PM24 A. Over six and a half years.

4:28:46PM25 Q. What did you do before you worked with the police

## DANIEL BERNAT - DIRECT EXAMINATION

1 department?

4:28:49PM 2 A. I was an automotive technician.

4:28:51PM 3 Q. And when you started with the Shelby police department,  
4 six and a half years ago, what was your first sort of type of  
5 work?

4:28:58PM 6 A. I was assigned to night shift patrols.

4:29:01PM 7 Q. And you have worked patrol, and then what you called the  
8 problem solving unit since then?

4:29:05PM 9 A. That's correct.

4:29:07PM 10 Q. I want to ask you about June 18th about 10:30 in the  
11 morning. Do you recall being involved in a traffic stop at  
12 that time?

4:29:15PM 13 A. Yes, I do.

4:29:16PM 14 Q. And if you can, tell the jury, had you -- were you aware  
15 of or had you heard of anything about a shooting in Charleston  
16 that had occurred the night before?

4:29:24PM 17 A. Yes, I was.

4:29:25PM 18 Q. What had you heard and -- What had you heard?

4:29:27PM 19 A. Just that there was an involvement in a church shooting,  
20 an individual was not apprehended at this time.

4:29:34PM 21 Q. How did you hear about it?

4:29:38PM 22 A. On the news.

4:29:40PM 23 Q. Did you have any kind of debriefing or anything in your  
24 department about the case?

4:29:44PM 25 A. No. I did not.

## DANIEL BERNAT - DIRECT EXAMINATION

4:29:46PM 1 Q. So tell the jury what you were doing that morning of  
2 June 18th. What -- leading up to that traffic stop.

4:29:55PM 3 A. It was actually in a patrol car, fuel pumps, my partner  
4 and I, when we received a call from dispatch.

4:30:03PM 5 Q. What was the call that came in?

4:30:05PM 6 A. That there was a possible citing of Mr. Roof traveling  
7 westbound on U.S. 74, coming into the Shelby city limits.

4:30:14PM 8 Q. Where were you at the time as you were gassing up your  
9 car, relative to that location?

4:30:20PM 10 A. It's approximately three and a half, maybe four miles.

4:30:24PM 11 Q. So what did you do?

4:30:26PM 12 A. Officer Buriss and I, I was operating the patrol vehicle  
13 on that date, left to travel to U.S. 74.

4:30:34PM 14 Q. Did you obtain any additional information as you drove in  
15 that direction?

4:30:39PM 16 A. Yes, that he was passing a dealership known as Carter  
17 Chevrolet on U.S. 74 coming into Shelby.

4:30:45PM 18 Q. And where was that information coming from?

4:30:48PM 19 A. Shelby police department dispatch.

4:30:50PM 20 Q. Do you know if there was any callers beyond that?

4:30:53PM 21 A. Yes, there was a female caller on line with our department  
22 at that time.

4:30:59PM 23 Q. And so that individual had called, and they were  
24 dispatching you, or at least several officers?

4:31:04PM 25 A. That's correct.

## DANIEL BERNAT - DIRECT EXAMINATION

4:31:06PM 1 Q. So explain to the jury what happened as you were  
2 dispatched to that area.

4:31:10PM 3 A. I arrived at the location at U.S. 74, I merged my patrol  
4 vehicle on the slow lane shoulder on the highway.

4:31:21PM 5 Q. Were there other officers responding as well?

4:31:23PM 6 A. Yes, there were.

4:31:24PM 7 Q. Who were they?

4:31:25PM 8 A. Officer Scott Hamrick and Officer McDaniel, which was our  
9 traffic officer.

4:31:30PM 10 Q. And so when you pulled into that intersection, what was  
11 the sort of the situation as far as the vehicle you were  
12 looking for? What happened?

4:31:41PM 13 A. Recognized the vehicle, black in color four-door sedan.  
14 At this time I had received or retrieved a phone from my  
15 pocket, attempted to locate a picture of the individual known  
16 as Mr. Roof.

4:31:52PM 17 Q. So you were using your personal phone.

4:31:54PM 18 A. Yes, sir.

4:31:54PM 19 Q. And that was to make some kind of identification?

4:31:57PM 20 A. Yes, sir.

4:31:58PM 21 Q. Did you -- were you able to find anything?

4:32:01PM 22 A. I was not.

4:32:02PM 23 Q. What happened next?

4:32:03PM 24 A. My partner, Officer Buriss, advised me that a black in  
25 color vehicle had just passed with a South Carolina

## DANIEL BERNAT - DIRECT EXAMINATION

1 registration plate.

4:32:12PM 2 Q. And what did you then do?

4:32:14PM 3 A. The vehicle passed, it was in the fast lane, the left  
4 lane. I merged my patrol vehicle on to U.S. 74 behind the  
5 vehicle.

4:32:22PM 6 Q. And does -- your vehicle had a dash cam?

4:32:24PM 7 A. It did not.

4:32:25PM 8 Q. Were there other officers who had dash cams at the time?

4:32:28PM 9 A. Yes, there was.

4:32:29PM 10 Q. Have you reviewed their videos?

4:32:30PM 11 A. I did.

4:32:31PM 12 Q. Do they depict your vehicle and what you did?

4:32:34PM 13 A. Yes.

4:32:35PM 14 Q. I'm going to show you Government's exhibit, proposed  
15 exhibit 105. Do you recognize that?

4:32:44PM 16 A. Yes, I do.

4:32:45PM 17 Q. And it has your signature on it?

4:32:47PM 18 A. It does.

4:32:48PM 19 Q. Have you reviewed it to see if it accurately depicts what  
20 happened that day from another officer's patrol car?

4:32:55PM 21 A. I have.

4:32:56PM 22 Q. Before I play that, I want to ask --

4:32:59PM 23 THE COURT: Are you offering it into evidence?

4:33:01PM 24 MR. WILLIAMS: Yes, I'll show it to defense counsel.

25 I'll move to admit, I won't publish it quite yet. That's 105.

## DANIEL BERNAT - DIRECT EXAMINATION

4:33:10PM 1 THE COURT: Do we have an objection?

4:33:11PM 2 MS. STEVENS: No objection, Your Honor.

4:33:12PM 3 THE COURT: Government 105 is admitted without  
4 objection.

4:33:14PM 5 (Government Exhibit 105 received.)

4:33:14PM 6 BY MR. WILLIAMS:

4:33:16PM 7 Q. So before we watch that video, tell the jury what  
8 happened.

4:33:22PM 9 A. I merged my patrol vehicle onto U.S. 74. The black in  
10 color vehicle immediately merged into the slow lane of travel.  
11 Traffic was heavy on that day. It took me approximately 30  
12 seconds to work my way through traffic behind the vehicle.

4:33:37PM 13 Q. Were you the first car behind the vehicle?

4:33:39PM 14 A. Yes, I was.

4:33:40PM 15 Q. And so explain to me, had any kind of plate been run or  
16 did you have any information about who might be driving the  
17 vehicle?

4:33:49PM 18 A. Repeat the question.

4:33:50PM 19 Q. Had the plate been run so you might be able to make  
20 identification of -- you said you looked on your phone; did  
21 you try to determine anything else about the driver?

4:33:58PM 22 A. Not that I recall. However, when I was behind the  
23 vehicle, I did call in the registration plate to our dispatch.

4:34:04PM 24 Q. Was there anything about the vehicle otherwise, apart from  
25 the call that came in, that made you think it might be the

## DANIEL BERNAT - DIRECT EXAMINATION

1 person involved in the Charleston shootings?

4:34:12PM 2 A. Not that I recall.

4:34:13PM 3 Q. So when you pulled over the vehicle, what was your  
4 approach or what were you going to do when you pulled the car  
5 over?

4:34:19PM 6 A. Conduct a traffic stop.

4:34:23PM 7 Q. A normal traffic stop, anything different than how you  
8 would normally stop someone for a traffic infraction?

4:34:28PM 9 A. At that time Mr. Roof had -- the vehicle had got behind a  
10 tractor trailer and traveled within a close proximity of that  
11 tractor trailer. We was almost out of our jurisdiction at  
12 that time. I did activate my blue lights and siren. There  
13 was a convenience store which is our last point before we  
14 ended our jurisdiction. As I initiated my blue lights and  
15 siren, he pulled into the driveway of a residence.

4:35:00PM 16 Q. And the car pulled over, it didn't -- pulled over quickly  
17 once you put on your blue lights?

4:35:05PM 18 A. Yes, he immediately turned on his right turn signal and  
19 pulled right into the driveway.

4:35:11PM 20 Q. You've heard of the term felony traffic stop.

4:35:13PM 21 A. Yes, sir.

4:35:14PM 22 Q. Did you conduct a felony traffic stop in this case or just  
23 a normal traffic stop?

4:35:18PM 24 A. It was a normal traffic stop.

4:35:19PM 25 Q. At that point did you know who the driver actually was?

## DANIEL BERNAT - DIRECT EXAMINATION

4:35:23PM 1 A. I did not.

4:35:24PM 2 Q. So explain to the jury what happened when you conducted  
3 the traffic stop.

4:35:28PM 4 A. At the time I actually exited my patrol vehicle, my  
5 partner, Officer Buriss, exited the passenger side of my  
6 patrol vehicle. Officer Hamrick and Sergeant Myers had also  
7 arrived at the same time I conducted the traffic stop. I  
8 approached the left rear corner of the vehicle.

4:35:46PM 9 Q. What is the normal approach when you have at least two  
10 officers going up to a car, what is -- how do you coordinate  
11 your traffic stop and how did you do it in this case?

4:35:56PM 12 A. It's officer discretion, but I chose to make contact on  
13 the driver's side of the vehicle on this day.

4:36:01PM 14 Q. And what did Officer Buriss do?

4:36:03PM 15 A. He approached the passenger's side of the vehicle.

4:36:06PM 16 Q. And tell the jury what happened.

4:36:09PM 17 A. I ordered the driver to place his hands on the steering  
18 wheel and keep them there, which he complied.

4:36:15PM 19 Q. Were you able to get a look at him at that time?

4:36:18PM 20 A. Not at this moment, no.

4:36:19PM 21 Q. Did he have anything on his lap or in his car with him?

4:36:22PM 22 A. When I approached I did observe a GPS sitting on  
23 Mr. Roof's lap.

4:36:28PM 24 Q. And so you walk up to the car, you observe the GPS, he  
25 puts his hands on the steering wheel, what happens then?



## DANIEL BERNAT - DIRECT EXAMINATION

4:36:34PM 1 A. I asked him to turn the vehicle off with his right hand.

4:36:37PM 2 Q. Did that happen?

4:36:39PM 3 A. Yes, it did.

4:36:40PM 4 Q. What happened next?

4:36:41PM 5 A. I asked him to slowly step out of the vehicle.

4:36:44PM 6 Q. Did you ask him who he was at that point?

4:36:46PM 7 A. When he stepped out of the vehicle I asked him his name.

4:36:49PM 8 Q. So he steps out, and what did you ask him?

4:36:52PM 9 A. Sir, what is your name?

4:36:53PM 10 Q. What did he say?

4:36:54PM 11 A. Dylann Roof.

4:36:55PM 12 Q. Did you recognize at that point who he was?

4:36:57PM 13 A. Yes.

4:36:58PM 14 Q. What did you do?

4:37:00PM 15 A. I then frisked his person, which is open-hand pat down of  
16 his person.

4:37:06PM 17 Q. Why do you do that?

4:37:07PM 18 A. For any weapons.

4:37:09PM 19 Q. Did you find anything?

4:37:10PM 20 A. I did not.

4:37:11PM 21 Q. Once you had done the initial pat down, what happened?

4:37:14PM 22 A. I then placed him in handcuffs, advised he was not under  
23 arrest, but merely detained.

4:37:20PM 24 Q. Why did you do that?

4:37:21PM 25 A. For further investigation. And officer safety.

## DANIEL BERNAT - DIRECT EXAMINATION

4:37:24PM 1 Q. Had you confirmed yet that that was -- that Dylann Roof  
2 was, in fact, the person that was wanted for the shooting in  
3 Charleston?

4:37:31PM 4 A. Not at that moment.

4:37:32PM 5 Q. So what did you do once you had him sort of handcuffed and  
6 detained?

4:37:39PM 7 A. Supervisor on scene was Sergeant Myers on that date. And  
8 he had advised me that that's him. He identified him.

4:37:49PM 9 Q. Did -- say that again. So was he moved somewhere? I'm  
10 not sure I understand that.

4:37:55PM 11 A. No, Sergeant Myers had arrived, and once he observed  
12 Mr. Roof, he gave me an identification that that was him.

4:38:02PM 13 Q. Okay. So Sergeant Myers told you that?

4:38:04PM 14 A. Yes.

4:38:04PM 15 Q. So what did Sergeant Myers say?

4:38:06PM 16 A. Just that that's him, that's Mr. Roof.

4:38:09PM 17 Q. Okay. Where was Sergeant Myers at that point in time when  
18 you had the defendant out of the car and towards the back or  
19 at the driver's side?

4:38:17PM 20 A. He was on the right rear side of the vehicle.

4:38:19PM 21 Q. So what happened at this point in time?

4:38:22PM 22 A. I then released Mr. Roof to Officer Hamrick.

4:38:26PM 23 Q. And was he at the back of the vehicle?

4:38:29PM 24 A. Yes.

4:38:29PM 25 Q. Were you able to hear or see what they were doing?

## DANIEL BERNAT - DIRECT EXAMINATION

4:38:32PM 1 A. No, I was not.

4:38:34PM 2 Q. What was the next thing that you did in the case? I'm  
3 sorry, the traffic stop.

4:38:40PM 4 A. After he was released to Officer Hamrick, I then opened  
5 the trunk of the vehicle to make sure no individual was  
6 inside.

4:38:50PM 7 Q. Was there anything in the trunk area of the car?

4:38:52PM 8 A. No, there was not.

4:38:54PM 9 Q. And I don't mean by anything, was there items apart from  
10 people, just normal items back there?

4:39:00PM 11 A. There were items, no individuals.

4:39:02PM 12 Q. What was the next thing you did after you cleared the  
13 trunk area?

4:39:06PM 14 A. Advised by Officer Buriss that a weapon may be inside the  
15 vehicle.

4:39:09PM 16 Q. Say that again.

4:39:09PM 17 A. I was advised by Officer Buriss that a weapon may be  
18 inside the vehicle.

4:39:13PM 19 Q. Were you told where it might be?

4:39:15PM 20 A. No, I was not.

4:39:16PM 21 Q. What did you do after you heard that?

4:39:18PM 22 A. Officer Ledford opened the right rear door of the vehicle.  
23 Once the door was opened, we observed a white in color pillow  
24 seated on the seat.

4:39:26PM 25 Q. What happened then?

## DANIEL BERNAT - DIRECT EXAMINATION

4:39:28PM 1 A. Officer Ledford raised the pillow, and I observed a black  
2 in color handgun which appeared to be a Glock semiautomatic  
3 handgun.

4:39:36PM 4 Q. Are you familiar with handguns?

4:39:38PM 5 A. Yes.

4:39:38PM 6 Q. You know what a semiautomatic is?

4:39:40PM 7 A. Yes.

4:39:41PM 8 Q. Can you tell the caliber of it?

4:39:43PM 9 A. No, I could not.

4:39:45PM 10 Q. Once you saw the gun underneath that pillow, did anybody  
11 seize it or do anything with it?

4:39:51PM 12 A. The pillow was placed back on top of the weapon and the  
13 door was shut, the vehicle was secured.

4:39:57PM 14 Q. And once -- did you tell your supervisor that you had seen  
15 the gun in the back seat?

4:40:02PM 16 A. Yes.

4:40:03PM 17 Q. What was the next role you had at that point?

4:40:06PM 18 A. At that time I placed crime scene tape around the vehicle  
19 and secured the crime scene at that time.

4:40:12PM 20 Q. And you say that you have reviewed Exhibit 105. Can you  
21 tell the jury basically what the perspective is or whose car  
22 it is?

4:40:21PM 23 A. Same. I don't recall which in car video --

4:40:25PM 24 Q. And it shows your actions?

4:40:27PM 25 A. Yes.

## DANIEL BERNAT - DIRECT EXAMINATION

4:40:28PM 1 MR. WILLIAMS: Your Honor, I'm going to play  
2 Government's Exhibit 105.

4:40:33PM 3 MS. STEVENS: No objection.

4:40:34PM 4 THE COURT: Very good.

4:40:41PM 5 (Video played.)

4:40:42PM 6 BY MR. WILLIAMS:

4:41:03PM 7 Q. I'm going pause it there. Is that your patrol vehicle  
8 that's in the front?

4:41:06PM 9 A. No, it is not.

4:41:07PM 10 Q. You're further down the road?

4:41:08PM 11 A. Yes.

4:41:09PM 12 Q. Okay.

4:41:12PM 13 (Video played.)

4:42:05PM 14 Q. So who are the individuals that we see approaching the  
15 vehicle?

4:42:08PM 16 A. I'm on the left and in the gray shirt. Officer Hamrick is  
17 on the right side.

4:42:14PM 18 Q. Who is the one in the gray shirt?

4:42:15PM 19 A. That's me.

4:42:16PM 20 Q. And so Officer Hamrick is the one to the right?

4:42:19PM 21 A. Yes.

4:42:24PM 22 MR. WILLIAMS: Go ahead.

4:42:25PM 23 (Video played.)

4:43:37PM 24 Q. So who are the individuals now that are depicted in that?

4:43:43PM 25 A. My contact was Mr. Roof, so that's me. Directly behind

## DANIEL BERNAT - DIRECT EXAMINATION

1 him would be Officer Hamrick. Officer Scott Ledford is in  
2 gray shirt behind him, then Sergeant Myers is on the right  
3 rear of the vehicle.

4:43:56PM 4 MR. WILLIAMS: All right. I'll start again.

4:44:03PM 5 (Video played.)

4:44:42PM 6 Q. And is that when the defendant was then taken to another  
7 location?

4:44:47PM 8 A. Repeat the question?

4:44:48PM 9 Q. Was he taken to another vehicle at that point in time?

4:44:51PM 10 A. Yes, Officer Hamrick's vehicle.

4:44:53PM 11 Q. And who transported him that day, if you recall?

4:44:57PM 12 A. Officer Hamrick.

4:44:59PM 13 Q. Did he transported almost immediately after he was taken  
14 from his vehicle?

4:45:03PM 15 A. Yes.

4:45:17PM 16 MR. WILLIAMS: No further questions. Thank you,  
17 Officer Bernat.

4:45:20PM 18 THE COURT: Cross-examination.

4:45:21PM 19 MS. STEVENS: Thank you.

4:45:27PM 20 CROSS-EXAMINATION

4:45:28PM 21 BY MS. STEVENS:

4:45:28PM 22 Q. Officer Bernat. Is it Officer Bernat?

4:45:33PM 23 A. Correct.

4:45:33PM 24 Q. I want to get your title right. So on June 18th at about  
25 10:33 in the morning, you first heard the radio call saying

## DANIEL BERNAT - CROSS-EXAMINATION

1 that perhaps Dylann Roof, or the suspect in the Charleston  
2 shooting, was headed westbound on I-74, correct?

4:45:50PM 3 A. Possible citing, yes, that's correct.

4:45:52PM 4 Q. And you fell in behind him pretty quickly, didn't you?

4:45:57PM 5 A. Approximately 30 minutes after the call was given, just an  
6 estimation.

4:46:01PM 7 Q. You pulled him over actually -- you had described the  
8 Kangaroo gas station on the corner being the end of your  
9 jurisdiction, correct?

4:46:09PM 10 A. That's correct.

4:46:09PM 11 Q. And you were able to get him pulled over just shy of that  
12 line?

4:46:13PM 13 A. That's correct.

4:46:14PM 14 Q. And you said he pulled over within ten yards or so,  
15 correct, when you turned on your blue light, he pulled over in  
16 a very short distance?

4:46:23PM 17 A. I didn't testify to ten yards, but as soon as I activated  
18 my blue light and siren, I testified he immediately pulled  
19 over.

4:46:30PM 20 Q. And put on his right turn signal and pulled off fairly  
21 quickly.

4:46:33PM 22 A. That's correct.

4:46:35PM 23 Q. Now, when you got out of your car, given that you were  
24 perhaps pulling over the suspect in the Charleston shooting,  
25 you drew your weapon, correct?

## DANIEL BERNAT - CROSS-EXAMINATION

4:46:44PM 1 A. I did remove my duty weapon from the holster, that's  
2 correct.

4:46:48PM 3 Q. And we saw in the video that you approach the car  
4 initially with your weapon drawn, correct?

4:46:54PM 5 A. That's correct.

4:46:55PM 6 Q. And your partner, Officer Buriss, is it?

4:46:59PM 7 A. That's correct.

4:47:00PM 8 Q. Was he behind you as you first approached the car?

4:47:03PM 9 A. He was on the right side of Mr. Roof's vehicle.

4:47:06PM 10 Q. And who was it that you described the officer immediately  
11 to your right that approached the right passenger side of the  
12 car?

4:47:13PM 13 A. Officer Hamrick.

4:47:17PM 14 Q. And the car was an older Hyundai vehicle?

4:47:21PM 15 A. That's correct.

4:47:22PM 16 Q. You were able to run the tags and determine that it was,  
17 in fact, the car you were looking for?

4:47:29PM 18 A. That's incorrect. The tag already went to dispatch,  
19 dispatch had advised me that it was a different vehicle, not a  
20 Hyundai.

4:47:37PM 21 Q. But eventually you determined that you actually had the  
22 proper car, right?

4:47:43PM 23 A. Had no information other than what I had, other than a  
24 possible sighting of Mr. Roof. I mean, I conducted a vehicle  
25 stop for him following too close to a tractor trailer. It was



## DANIEL BERNAT - CROSS-EXAMINATION

1 my contact with him that then advised me of proof that it was  
2 then, in fact, Mr. Roof.

4:48:00PM 3 Q. And then as we saw in Government's Exhibit 105, you  
4 approached initially with your weapon drawn, right?

4:48:07PM 5 A. My weapon was removed from the duty holster, that's  
6 correct.

4:48:10PM 7 Q. And you had it in your hand?

4:48:12PM 8 A. That's correct.

4:48:13PM 9 Q. And then you got close to the driver's door of the car,  
10 right?

4:48:16PM 11 A. That's correct.

4:48:17PM 12 Q. And you looked into the window of the driver's door of the  
13 car, correct?

4:48:24PM 14 A. That's correct.

4:48:24PM 15 Q. And you put your weapon away, as we saw?

4:48:27PM 16 A. That's correct.

4:48:29PM 17 Q. And you ordered Dylann Roof to put his hands on the  
18 steering wheel, didn't you?

4:48:34PM 19 A. My approach to Mr. Roof, that's correct.

4:48:36PM 20 Q. And I imagine you ordered that pretty loudly?

4:48:39PM 21 A. That's correct.

4:48:40PM 22 Q. And he immediately put his hands at the ten and two  
23 position on the steering wheel?

4:48:45PM 24 A. That's correct.

4:48:46PM 25 Q. And did he keep them there in your sight as you came up

## DANIEL BERNAT - CROSS-EXAMINATION

1 toward the window of the car with his hands on the wheel?

4:48:51PM 2 A. Yes, he did.

4:48:52PM 3 Q. And then you ordered him to take his right hand and turn  
4 the car off?

4:48:56PM 5 A. Yes, I did.

4:48:57PM 6 Q. And he complied with that order?

4:48:59PM 7 A. Correct.

4:49:00PM 8 Q. And was it at that point that you had him get out of the  
9 car?

4:49:04PM 10 A. That's correct.

4:49:05PM 11 Q. And did you notice at that point the other officers, too,  
12 had their weapons put back away, didn't they?

4:49:11PM 13 A. No, I could not see what the other officers were doing, I  
14 was focused on Mr. Roof.

4:49:16PM 15 Q. All right. So you were focused on Dylann Roof personally  
16 at that time?

4:49:20PM 17 A. That's correct.

4:49:21PM 18 Q. Now, when he stepped out of the car did you speak with  
19 him?

4:49:24PM 20 A. Yes, I did.

4:49:25PM 21 Q. And you asked him, what is your name, right?

4:49:28PM 22 A. That's correct.

4:49:28PM 23 Q. And he said to you, Dylann Roof.

4:49:30PM 24 A. That's correct.

4:49:33PM 25 Q. Did he speak quietly or loudly in that moment, having just

## DANIEL BERNAT - CROSS-EXAMINATION

1 been pulled over?

4:49:37PM 2 A. He was humble, he was quiet.

4:49:39PM 3 Q. He was quiet?

4:49:40PM 4 A. Yes.

4:49:42PM 5 Q. And you asked him, I believe, at some point in this  
6 exchange, are you from Charleston?

4:49:50PM 7 A. No, that's incorrect.

4:49:51PM 8 Q. Another officer asked him that?

4:49:53PM 9 A. I can't testify to what other officers asked.

4:49:56PM 10 Q. You established with him that his name was Dylann Roof.

4:49:59PM 11 A. That's correct.

4:50:01PM 12 Q. And was it then that you placed him in cuffs?

4:50:04PM 13 A. After a frisk of his person was completed, that's correct.

4:50:07PM 14 Q. And what did you find on the frisk of his person then?

4:50:11PM 15 A. Nothing.

4:50:13PM 16 Q. How do you conduct a frisk of the person, what do you do?

4:50:16PM 17 A. An open-handed pat down.

4:50:18PM 18 Q. Of what areas?

4:50:20PM 19 A. His entire body area.

4:50:27PM 20 Q. And you said you found nothing?

4:50:29PM 21 A. I did not.

4:50:30PM 22 Q. And then you described that Officer Hamrick took Dylann  
23 Roof back toward the trunk of the car, correct?

4:50:36PM 24 A. I released Mr. Roof to Officer Hamrick. I can't testify  
25 to what Officer Hamrick did with him other than placing him

## DANIEL BERNAT - CROSS-EXAMINATION

1 into his patrol car.

4:50:45PM 2 Q. You didn't hear the next thing that was said between  
3 Officer Hamrick and Dylann Roof, right?

4:50:51PM 4 A. I did not.

4:50:52PM 5 Q. But the next thing you heard was there may be a weapon in  
6 the car.

4:50:59PM 7 A. From Officer Buriss.

4:51:01PM 8 Q. And your partner, Officer Buriss, told you there may be a  
9 weapon in the car, right?

4:51:06PM 10 A. It wasn't immediately, it was after we opened the trunk to  
11 look for any individual that may be inside the vehicle.

4:51:12PM 12 Q. So before then you heard there was the weapon in the back  
13 seat of the car, you opened the trunk?

4:51:19PM 14 A. Yes, I did.

4:51:21PM 15 Q. When you opened the trunk you were looking for a person?

4:51:23PM 16 A. That's correct.

4:51:24PM 17 Q. And there was nobody in the trunk?

4:51:26PM 18 A. There was not.

4:51:27PM 19 Q. But when you opened the trunk, what did you see in the  
20 trunk?

4:51:30PM 21 A. I don't recall.

4:51:32PM 22 Q. Personal items?

4:51:33PM 23 A. I don't recall.

4:51:35PM 24 Q. Was it empty? Was it full?

4:51:37PM 25 A. I don't recall.

## DANIEL BERNAT - CROSS-EXAMINATION

4:51:40PM 1 Q. After you closed the trunk, that's when you heard there  
2 may be a weapon in the passenger area of the car, that is, the  
3 passenger compartment of the car?

4:51:49PM 4 A. Officer Buriss advised me there may be a weapon inside the  
5 vehicle.

4:51:52PM 6 Q. Okay. And you went to the back passenger seat? The back  
7 passenger door?

4:51:57PM 8 A. That's correct.

4:51:58PM 9 Q. You opened up the door?

4:51:59PM 10 A. That's correct.

4:52:00PM 11 Q. And you saw a white pillow.

4:52:02PM 12 A. That's correct.

4:52:03PM 13 Q. Like a standard pillow that a person would sleep with on  
14 their bed?

4:52:08PM 15 A. I don't recall.

4:52:09PM 16 Q. Was it little, was it normal sized?

4:52:12PM 17 A. I don't recall.

4:52:13PM 18 Q. You lifted up the pillow?

4:52:15PM 19 A. Officer Ledford lifted the pillow up.

4:52:18PM 20 Q. Were you standing there watching?

4:52:19PM 21 A. Yes, I was.

4:52:20PM 22 Q. Okay. And underneath the pillow was a gun?

4:52:23PM 23 A. That's correct.

4:52:24PM 24 Q. And did you leave the weapon there, did you leave the gun  
25 there or did you pick it up and take it at that time?

## DANIEL BERNAT - CROSS-EXAMINATION

4:52:30PM 1 A. The gun was never touched.

4:52:32PM 2 Q. So you just put the pillow back down.

4:52:34PM 3 A. That's correct.

4:52:39PM 4 Q. At that point you said you placed Dylann Roof in Officer  
5 Hamrick's custody?

4:52:44PM 6 A. That's not what I testified to. I testified to is that  
7 immediately after he was taken out of the vehicle, I detained  
8 him, and then he was released to Officer Hamrick.

4:52:53PM 9 Q. Okay. And you said he was not under arrest?

4:52:57PM 10 A. That's correct.

4:52:58PM 11 Q. He -- but you handcuffed him?

4:53:05PM 12 A. That's correct.

4:53:01PM 13 Q. Okay. For safety reasons.

4:53:03PM 14 A. That's correct.

4:53:03PM 15 Q. And then he was sent with Officer Hamrick at that time.

4:53:07PM 16 A. That's correct.

4:53:09PM 17 Q. Did he appear to you to be intoxicated?

4:53:13PM 18 A. My contact with him was very brief. I could not form an  
19 opinion that he was under any influence at that time.

4:53:20PM 20 Q. Did you smell anything coming off of him?

4:53:22PM 21 A. No, I did not.

4:53:23PM 22 Q. Was he cooperative with you?

4:53:24PM 23 A. Yes, he was.

4:53:26PM 24 Q. Did you have further interaction with him at the police  
25 station?

## DANIEL BERNAT - CROSS-EXAMINATION

4:53:30PM 1 A. I did not.

4:53:31PM 2 Q. So your last contact was you were standing at the trunk of  
3 the car when he was pulled away with Officer Hamrick?

4:53:38PM 4 A. That was not my last contact with him. My last contact  
5 with him was when we assisted him on the plane.

4:53:44PM 6 Q. Okay. You took him later that day to an airplane?

4:53:48PM 7 A. That's correct.

4:53:48PM 8 Q. And he was flown with the FBI back to South Carolina,  
9 correct?

4:53:52PM 10 A. That's correct.

4:53:53PM 11 Q. And he had voluntarily waived extradition from North  
12 Carolina and was flown back that day with the FBI.

4:53:59PM 13 MR. WILLIAMS: Object to hearsay, Your Honor.

4:54:01PM 14 THE COURT: I'm sorry?

4:54:02PM 15 MR. WILLIAMS: Object to hearsay.

4:54:03PM 16 THE COURT: If he knows.

4:54:04PM 17 BY MS. STEVENS:

4:54:04PM 18 Q. If you know, sir, did he waive extradition voluntarily  
19 from North Carolina, go with the FBI to be placed on an  
20 airplane and brought back to Charleston on June 18th?

4:54:15PM 21 A. He did waive extradition.

4:54:17PM 22 THE COURT: Overruled.

4:54:22PM 23 MS. STEVENS: If I may have a moment, Your Honor.

4:54:23PM 24 THE COURT: Yes.

4:54:27PM 25 MS. STEVENS: Nothing further, thank you.

## MICHAEL MYERS - DIRECT EXAMINATION

4:54:29PM 1 THE COURT: Thank you. Anything else?

4:54:31PM 2 MR. WILLIAMS: No redirect, Your Honor.

4:54:33PM 3 THE COURT: Thank you, Officer. Call your next  
4 witness.

4:54:39PM 5 MR. WILLIAMS: Thank you, Your Honor. Government  
6 calls Sergeant Hamrick.

4:55:08PM 7 THE CLERK: State your full name for the record,  
8 please.

4:55:10PM 9 A. Michael Myers.

4:55:14PM 10 MICHAEL MYERS, a witness called by the Government, first  
11 having been duly sworn, testified as follows:

4:55:20PM 12 DIRECT EXAMINATION

4:55:20PM 13 BY MR. WILLIAMS:

4:55:33PM 14 Q. Sir, tell the jury where you work.

4:55:36PM 15 A. I'm a -- Shelby police department.

4:55:38PM 16 Q. What do you do for the Shelby police department?

4:55:41PM 17 A. I am a patrol sergeant.

4:55:43PM 18 Q. How long have you been a -- how long have you been in law  
19 enforcement?

4:55:47PM 20 A. Going on 19 years.

4:55:49PM 21 Q. What agencies have you worked for?

4:55:51PM 22 A. Just Shelby police department.

4:55:54PM 23 Q. And what is your current rank?

4:55:56PM 24 A. I'm a sergeant in a patrol division.

4:56:00PM 25 Q. How long have you been a supervisor?



## MICHAEL MYERS - DIRECT EXAMINATION

4:56:02PM 1 A. Since 2008.

4:56:03PM 2 Q. And did you work as a patrol officer prior to that?

4:56:07PM 3 A. Yes, sir.

4:56:07PM 4 Q. Were you working on June 18, about 10:30 in the morning,  
5 last year?

4:56:12PM 6 A. Yes, sir.

4:56:13PM 7 Q. Do you recall a traffic stop that happened that morning?

4:56:16PM 8 A. Yes, sir.

4:56:19PM 9 Q. That involved an individual named Dylann Roof, the  
10 defendant in this case?

4:56:22PM 11 A. Yes, sir.

4:56:23PM 12 Q. How did you get involved in that traffic stop that  
13 morning?

4:56:26PM 14 A. I was notified by our communications center, some  
15 information that they have received, and they wanted me to  
16 look at a call that they were dispatching other officers to be  
17 on the look out for a vehicle that was supposed to be coming  
18 in from the east side of Shelby traveling west on U.S. 74.

4:56:49PM 19 Q. Did you have any awareness of the shooting that had  
20 happened in Charleston the night before?

4:56:54PM 21 A. Only thing that I had was prior to me coming in or  
22 reporting for duty that morning was I did see a -- just a  
23 small news clip that morning before I left out to go to work.

4:57:08PM 24 Q. Did you have any kind of briefing within your department?

4:57:11PM 25 A. I did talk to the higher officers that were working that

## MICHAEL MYERS - DIRECT EXAMINATION

1 day, but we didn't have a whole lot of information at that  
2 time.

4:57:19PM 3 Q. So it wasn't a case that was on your radar at that point  
4 in time at least.

4:57:23PM 5 A. Other than we knew there had been a shooting incident in  
6 Charleston in the church.

4:57:28PM 7 Q. So you say you were dispatched or a call went out. Tell  
8 the jury what happened.

4:57:33PM 9 A. Our communications center notified two officers that they  
10 have received information that there was a vehicle coming into  
11 Shelby on U.S. 74. And they wanted them to be in the area to  
12 look with -- look for the car. The information that was given  
13 to us is that the caller had recognized the vehicle possibly  
14 being involved with the church shooting here in Charleston.

4:58:01PM 15 Q. And was that a civilian, a person that was driving?

4:58:05PM 16 A. There was some of the information was relayed by an  
17 officer from Kings Mountain police department, and there was  
18 also some information from a female who also had called in to  
19 our department.

4:58:19PM 20 Q. So you had that call come in; what did you do?

4:58:22PM 21 A. I looked at the call, I actually listened where the  
22 officers were to determine where U.S. 74 is from the city  
23 limits to the end of city limits, a little over eight and a  
24 half miles, and I listened to where they were checking in on  
25 the location on the road. And I knew that we had cars on the

## MICHAEL MYERS - DIRECT EXAMINATION

1 east side of U.S. 74, and we also had cars that were checking  
2 en route to the western end of U.S. 74. I happened to be  
3 close to the middle, responding to a area which was Hamrick  
4 Street and U. S. 74.

4:58:56PM 5 Q. So when the call came in, how far were you or how close  
6 were you to the area where you thought the suspect car might  
7 show up?

4:59:03PM 8 A. I was within probably two miles of the bypass.

4:59:09PM 9 Q. Did anybody else respond apart from you with your  
10 department?

4:59:12PM 11 A. Yes, sir.

4:59:13PM 12 Q. Who else?

4:59:14PM 13 A. There was one -- traffic officers that responded to the  
14 east side of 74, his name was Officer McDaniel. Then there  
15 was Officer Bernat, and then -- who was paired up with Joe  
16 Buriss, at that time responded and stated that they were  
17 coming in on the western side of U.S. 74.

4:59:35PM 18 Q. And was there an officer with Sergeant Myers involved as  
19 well?

4:59:39PM 20 A. That's me.

4:59:40PM 21 Q. I'm sorry, I got the names mixed up.

4:59:43PM 22 THE COURT: I introduce you to your witness.

4:59:44PM 23 Q. Was there Officer Hamrick that was involved as well?

4:59:47PM 24 A. Yes, sir.

4:59:47PM 25 Q. And what -- where did he respond to?

## MICHAEL MYERS - DIRECT EXAMINATION

4:59:51PM 1 A. He responded to the 74 bypass area also. But I -- he did  
2 not give an actual location of where he was at, at that time.

5:00:01PM 3 Q. So tell me what happened at that point.

5:00:04PM 4 A. When I was at the Hamrick Street and U.S. 74, I then  
5 received information that Officer Bernat and Officer Buriss  
6 were at Polkville Road and U.S. 74 west. And they said that  
7 they were in position.

5:00:24PM 8 Short time later when I was sitting at the traffic light  
9 there at that intersection, they notified that they had a  
10 vehicle matching the description that the caller had  
11 recognized that had passed. And I then was started traveling  
12 west on U.S. 74.

5:00:41PM 13 Q. What occurred then?

5:00:42PM 14 A. Once I was on 74, I traveled down, Officer Bernat called  
15 in a registration plate number that was displayed on the rear  
16 of the vehicle. And I continued traveling west. Once I  
17 passed, there's a shopping center on my right on U.S. 74,  
18 continued on, on West Dixon. I was able to work my way and  
19 notify Officer Bernat that I was close behind him there on the  
20 West Dixon Boulevard, so he knew that he had an additional car  
21 there.

5:01:16PM 22 Q. And what were the -- how many cars then were following the  
23 suspect vehicle?

5:01:20PM 24 A. There were several cars around, there was probably  
25 approximately six or so, there were several on both lanes, the

## MICHAEL MYERS - DIRECT EXAMINATION

1 right- and left-hand lane. As we were traveling up through.  
2 And we were actually approaching Plato Lee Road and Beaver  
3 Pantry stoplight, when I was still trying to maneuver through  
4 the traffic to get up close to Officer Bernat and Joe Buriss.

5:01:43PM 5 Q. How many Shelby police cars were sort of in that line  
6 behind the defendant vehicle?

5:01:49PM 7 A. Originally I knew that Officer Bernat was the car directly  
8 closest to him, then it would have been my vehicle and then  
9 Officer Scott Hamrick's vehicle, and then Officer Scott  
10 Ledford's vehicle would have been the fourth vehicle that come  
11 up.

5:02:06PM 12 Q. So it was Bernat, then you and then Hamrick?

5:02:10PM 13 A. Yes.

5:02:12PM 14 Q. Did you have a dash cam video?

5:02:14PM 15 A. Yes, sir, I did.

5:02:15PM 16 Q. And I'm going -- have you reviewed two of the different  
17 dash cam videos in this case?

5:02:21PM 18 A. Yes, sir.

5:02:21PM 19 Q. Do they both accurately reflect what occurred?

5:02:24PM 20 A. Yes, sir.

5:02:24PM 21 Q. I'm going to show you Government's 106. Is that one that  
22 you reviewed?

5:02:31PM 23 A. Yes, sir.

5:02:32PM 24 Q. And does it accurately reflect one of those two dash cams  
25 or patrol car videos?

## MICHAEL MYERS - DIRECT EXAMINATION

5:02:40PM 1 A. Yes, sir.

5:02:41PM 2 MR. WILLIAMS: I'm going to show this to defense.

5:02:49PM 3 THE COURT: Any objection?

5:02:50PM 4 MS. STEVENS: No objection, Your Honor.

5:02:51PM 5 THE COURT: Government 106 admitted without  
6 objection.

5:02:53PM 7 (Government Exhibit 106 received.)

5:02:53PM 8 BY MR. WILLIAMS:

5:02:54PM 9 Q. Before I play that, tell the jury what your role was in  
10 the traffic stop and what occurred.

5:03:01PM 11 A. My role at that point, due to the fact that Officer Bernat  
12 was immediately behind the vehicle, he was the what we call  
13 the primary vehicle to initiate the actual traffic stop. My  
14 responsibility at that point is to assist him during the  
15 traffic stop procedures. So I was there as a secondary car,  
16 then I realized that Officer Hamrick was there, and then there  
17 was also another car, which was Scott Ledford. But I was  
18 there to assist him with the traffic stop.

5:03:30PM 19 Q. And what happened during the traffic stop?

5:03:32PM 20 A. Officer Bernat activated his blue lights, at which time I  
21 also activated mine. When Officer Bernat activated his blue  
22 lights, his vehicle was directly behind the defendant's  
23 vehicle. And there was a transfer truck immediately in front  
24 of it. And once he activated the blue lights, the defendant's  
25 vehicle actually pulled off to the right-hand shoulder of the

## MICHAEL MYERS - DIRECT EXAMINATION

1 roadway from the -- across a right turn lane into a gravel  
2 driveway.

5:04:06PM 3 Q. What happened then?

5:04:07PM 4 A. Officer Bernat and Officer Buriss exited the vehicle --  
5 their vehicle, I also exited my vehicle. Officer Bernat gave  
6 commands to the driver of the vehicle to put his hands on the  
7 steering wheel.

5:04:25PM 8 Q. Where were you when this was happening?

5:04:26PM 9 A. I was exiting my vehicle approaching the rear of Officer  
10 Bernat's and Officer Hamrick's vehicles.

5:04:35PM 11 Q. And did you stay towards the back of the --

5:04:37PM 12 A. I did, I stayed back just a little ways from actually  
13 where they were, kind of observing the whole situation. From  
14 a little bit of a distance from them.

5:04:48PM 15 Q. And what did you observe happening?

5:04:50PM 16 A. As Officer Bernat was approaching the vehicle, Officer  
17 Buriss actually approached the vehicle also, and then Officer  
18 Hamrick. They originally had their weapons drawn. However,  
19 due to the compliance to the driver, he complied immediately  
20 to the commands that the officers gave him, putting his hands  
21 on the steering wheel. They cautiously approached the  
22 vehicle.

5:05:17PM 23 And when they got to the rear of the vehicle, Officer  
24 Bernat proceeded to the driver's side door and Officer Buriss  
25 went to the passenger side front door. And Officer Hamrick

## MICHAEL MYERS - DIRECT EXAMINATION

1 stayed at the rear, and I kind of stayed in the area. I had  
2 moved up a little distance closer to the vehicle at that time.

5:05:35PM 3 Q. So as Officer Bernat was at the side, what did you see or  
4 hear happening?

5:05:40PM 5 A. He actually began talking to the driver, the defendant.  
6 And he actually got the driver out of the vehicle.

5:05:50PM 7 Q. What happened then?

5:05:52PM 8 A. When he got the defendant out of the vehicle, he walked --  
9 put him up against the side of the vehicle, done a quick pat  
10 down of his person, and then moved him to the rear of the car.

5:06:06PM 11 Q. And what happened at the rear of the car?

5:06:08PM 12 A. When we got to the rear of the car he actually -- Officer  
13 Bernat actually turned him over to Officer Hamrick, who was  
14 there at the rear of the car. And Officer Hamrick was doing a  
15 secondary search of him, and that's where I spoke to Mr. Roof.

5:06:23PM 16 Q. So had you identified him or gotten his name at that point  
17 in time?

5:06:27PM 18 A. No, sir. Not -- not -- at that time my communications  
19 center was calling me on the radio, they were giving me some  
20 information by radio, but at that time I had -- my focus was  
21 on Dylann with the situation of the car.

5:06:44PM 22 Q. So did you -- had Officer Bernat told you that he  
23 confirmed his identification or that he --

5:06:51PM 24 A. No, sir.

5:06:52PM 25 Q. So when you get to the back of the car, what happens



## MICHAEL MYERS - DIRECT EXAMINATION

1 there?

5:06:56PM 2 A. Officer Hamrick's actually doing another search of  
3 Mr. Roof. While he's doing that, I actually asked him,  
4 Mr. Roof, if he was involved in the shooting incident in  
5 Charleston.

5:07:09PM 6 Q. How close were you or far from him were you when you said  
7 that?

5:07:12PM 8 A. Two feet.

5:07:13PM 9 Q. And did he respond?

5:07:14PM 10 A. He did.

5:07:15PM 11 Q. What did he say?

5:07:16PM 12 A. He said he was the person involved in the shooting in  
13 Charleston.

5:07:22PM 14 Q. What happened next?

5:07:24PM 15 A. Asked if he had any identification. He did say he had  
16 identification in his pocket. He actually told Officer  
17 Hamrick where the identification was and Officer Hamrick  
18 removed it and handed it to him.

5:07:39PM 19 Q. Did you get his I.D. from him?

5:07:41PM 20 A. I got it from Officer Hamrick, yes, sir.

5:07:43PM 21 Q. It was to the same person, to Dylann Roof?

5:07:45PM 22 A. Yes, sir, it was the South Carolina driver's license of  
23 Mr. Roof.

5:07:49PM 24 Q. And what happened then?

5:07:50PM 25 A. And then I -- I advised Officer Hamrick to take him to his

## MICHAEL MYERS - DIRECT EXAMINATION

1 vehicle to get him prepared for transport.

5:08:00PM 2 Q. And did you go with him back to that car?

5:08:03PM 3 A. I did. I walked with him, they originally took him back,  
4 they actually took him to the patrol car they were going to  
5 transport him in, and they began doing a more thorough search  
6 of him while we were kind of going back there and they were  
7 conducting that one before they put him in the car, I did  
8 speak to Mr. Roof.

5:08:24PM 9 Q. What was your purpose in speaking to him at that point?

5:08:26PM 10 A. I asked him if there was anything in the vehicle that  
11 could harm us or anybody else in the area, if there was any  
12 weapons, explosives or any other things that -- in the vehicle  
13 that could harm us.

5:08:39PM 14 Q. And did he reply to you?

5:08:41PM 15 A. He did.

5:08:42PM 16 Q. What did he say?

5:08:43PM 17 A. He said immediately, once I got -- asked that question,  
18 his response to me was -- is, there's a gun in the vehicle.

5:08:50PM 19 Q. Did he say where?

5:08:52PM 20 A. When I responded to him and said, a gun in the vehicle?  
21 He said the gun's in the vehicle under a pillow in the back  
22 seat.

5:08:59PM 23 Q. And once you had that information, what did you do?

5:09:03PM 24 A. There was actually officer started searching the vehicle,  
25 going through --

## MICHAEL MYERS - DIRECT EXAMINATION

5:09:08PM 1 Q. Who searched the vehicle?

5:09:09PM 2 A. It wasn't a really thorough search, they were actually  
3 still clearing to make sure everything was good, and that was  
4 Officer Bernat and Officer Scott Ledford, they had opened up  
5 the trunk area of the vehicle and the -- at some point opened  
6 the right rear door.

5:09:24PM 7 Q. And what happened then?

5:09:25PM 8 A. They then ceased, because I remember Officer Ledford  
9 looking inside the vehicle, I then told him that we needed to  
10 secure the vehicle and to secure the area for -- till we could  
11 find out about processing the vehicle.

5:09:43PM 12 Q. So you identified -- you all saw the gun there, then you  
13 ordered it to go no further?

5:09:50PM 14 A. Apparently Officer Bernat and Officer Ledford I think  
15 actually seen it. I wasn't that close to the vehicle to  
16 actually see it.

5:09:57PM 17 Q. And what was the next thing you did, if anything?

5:10:02PM 18 A. Once we done that, we actually -- I ordered or asked  
19 Officer Hamrick to transport Mr. Roof to our office, to what  
20 we call our library area of our police department.

5:10:15PM 21 Q. And would he have been the one that then took him to the  
22 police station?

5:10:19PM 23 A. That is correct.

5:10:19PM 24 Q. And that was Officer Hamrick?

5:10:22PM 25 A. That is Officer Scott Hamrick.

## MICHAEL MYERS - DIRECT EXAMINATION

5:10:23PM 1 MR. WILLIAMS: I'm going to play now Government's  
2 106.

5:10:37PM 3 (Video played.)

5:11:15PM 4 Q. Can you explain who the three different vehicles belong to  
5 in terms of law enforcement officers?

5:11:21PM 6 A. Yes, sir, the vehicle directly behind right now the  
7 transfer truck to the left, that's Officer Bernat and Joe  
8 Buriss' vehicle. The vehicle to the right on the right  
9 shoulder of the roadway is Officer Scott Hamrick's vehicle.  
10 The media was showing from my vehicle.

5:11:39PM 11 Q. That's Bernat, Hamrick, then your car with the video?

5:11:45PM 12 A. That's correct, sir.

5:11:46PM 13 MR. WILLIAMS: Go ahead.

5:11:47PM 14 (Video was played.)

5:15:28PM 15 Q. So the individual who's at the back of the car there, who  
16 is that?

5:15:31PM 17 A. That's Officer Scott Hamrick.

5:15:35PM 18 Q. You said that he was then -- the defendant was then  
19 transported to the police station?

5:15:41PM 20 A. That is correct, sir.

5:15:42PM 21 Q. Who did that transport?

5:15:43PM 22 A. Officer Scott Hamrick.

5:15:45PM 23 Q. Was he the only one involved in that transport?

5:15:48PM 24 A. Yes, sir.

5:15:49PM 25 Q. And who would have met the defendant back at the police

## MICHAEL MYERS - DIRECT EXAMINATION

1 station?

5:15:56PM 2 A. I had made a call to our sergeant of our criminal  
3 investigation division, Detective Benfield, and requested that  
4 they have someone to meet him at our police department there  
5 in our library.

5:16:10PM 6 Q. So Hamrick was to transport him back to detectives at the  
7 police station?

5:16:17PM 8 A. That is correct, sir.

5:16:18PM 9 Q. What was the rest of your responsibilities that day or the  
10 rest of that afternoon?

5:16:28PM 11 A. Once I -- Officer Hamrick had started the transport of him  
12 back to the police department, I had a communication center  
13 make contact with the command post set up here in Charleston,  
14 so I could relay the information that we had Mr. Roof in  
15 custody.

5:16:46PM 16 Q. And did investigators or agents from the Charleston case  
17 then respond later that day to Shelby?

5:16:53PM 18 A. Yes, sir, they did.

5:16:58PM 19 MR. WILLIAMS: No further questions, thank you.

5:17:00PM 20 THE COURT: Cross-examination.

5:17:02PM 21 MS. STEVENS: Thank you, Your Honor.

5:17:03PM 22 CROSS-EXAMINATION

5:17:03PM 23 BY MS. STEVENS:

5:17:06PM 24 Q. Good evening, Sergeant.

5:17:11PM 25 A. Good evening.

## MICHAEL MYERS - DIRECT EXAMINATION

5:17:12PM 1 Q. So on June 18th, you officers at the Shelby police  
2 department were not expecting the Charleston shooter to come  
3 driving through Shelby, correct?

5:17:22PM 4 A. Not specifically, no, ma'am.

5:17:24PM 5 Q. And then at 10:33 a.m. that call came across your radio  
6 that perhaps he was heading westbound on Highway 74, right?

5:17:32PM 7 A. Yes.

5:17:33PM 8 Q. And you fell in approximately three cars back in the video  
9 that we just saw --

5:17:44PM 10 A. Yes.

5:17:38PM 11 Q. -- on Government's 106. From that vantage point in  
12 Government's 106, we can't very clearly see the back of the  
13 trunk, but did you walk up there and were you present in the  
14 area when Dylann Roof was first taken from the car?

5:17:57PM 15 A. I was within close proximity, not exactly where the  
16 vehicle was, I was more where Officer Hamrick's vehicle was.

5:18:03PM 17 Q. Okay. And did you see the various officers that were  
18 close to the car, the black Hyundai?

5:18:09PM 19 A. The whole time, yes, ma'am.

5:18:11PM 20 Q. All right. And some of them initially drew their weapons?

5:18:14PM 21 A. Yeah, we all did.

5:18:16PM 22 Q. When the car was first pulled over?

5:18:18PM 23 A. Yes, ma'am.

5:18:19PM 24 Q. Because you didn't know what to expect.

5:18:20PM 25 A. Yes.

## MICHAEL MYERS - DIRECT EXAMINATION

5:18:21PM 1 Q. And when the first officer, Officer Bernat, approached the  
2 car, how did it get communicated backward that you all could  
3 put your weapons away?

5:18:32PM 4 A. That kind of transpired automatically. Nobody made a call  
5 or command, it was because based on the situation that we were  
6 dealing with, he was compliant with what Officer Buriss was  
7 telling him to do. Once Officer Buriss reached the passenger  
8 side, there was always one that had a weapon out until the  
9 point that Officer Bernat actually put his hands on Mr. Roof.

5:18:54PM 10 Q. Okay. And so Officer Bernat was at the driver's side and  
11 Officer Buriss was on the passenger side of the black Hyundai?

5:19:02PM 12 A. Yes.

5:19:02PM 13 Q. And Officer Bernat noticed that Dylann Roof had his hands  
14 on the steering wheel at ten and two, correct?

5:19:09PM 15 A. Yes.

5:19:10PM 16 Q. And he had a GPS machine sitting in his lap?

5:19:13PM 17 A. I'm not sure about that. I didn't see that part.

5:19:16PM 18 Q. Okay. How was Dylann Roof taken from the vehicle? Did he  
19 voluntarily get out of the car on his own accord or was he  
20 taken physically from the car?

5:19:25PM 21 A. He got out on his own.

5:19:28PM 22 Q. So he followed a command, he stepped out of the car and  
23 then stood beside the car?

5:19:32PM 24 A. Yes.

5:19:33PM 25 Q. And was that what you meant when you said that he was

## MICHAEL MYERS - DIRECT EXAMINATION

1 compliant there and you all saw that you could put your  
2 weapons away?

5:19:40PM 3 A. Yes, ma'am.

5:19:40PM 4 Q. Okay. And was -- who all was there in the vicinity of the  
5 back end of the car? We've talked about Officer Ber --

5:19:49PM 6 A. Officer Bernat, Officer Buriss, myself, Officer Hamrick,  
7 and then Scott Ledford comes up, kind of stays back off there  
8 at a little distance.

5:20:04PM 9 Q. And those various officers would all be visible in  
10 Government's Exhibit 105, the video that more closely shows  
11 the back area of the black Hyundai?

5:20:13PM 12 A. Yes.

5:20:14PM 13 Q. Okay. And when Officer Buriss came walking back toward  
14 you, do you recall him making any statements about Dylann  
15 Roof?

5:20:23PM 16 MR. WILLIAMS: Object to any hearsay, Your Honor.

5:20:26PM 17 THE COURT: Well, what's the purpose?

5:20:30PM 18 MS. STEVENS: It's an excited utterance, Your Honor.

5:20:32PM 19 Q. The officers were there at the back of the car making an  
20 arrest, correct?

5:20:38PM 21 A. Yes.

5:20:38PM 22 Q. Okay. And do you recall a specific statement made in the  
23 heat of that moment --

5:20:43PM 24 MR. WILLIAMS: Renew the objection, Your Honor.

25



## MICHAEL MYERS - DIRECT EXAMINATION

5:20:46PM 1 Q. -- by Officer Buriss?

5:20:48PM 2 THE COURT: Let's hold on just a second. Do you have  
3 any other theories other than excited utterance?

5:20:54PM 4 MS. STEVENS: No, Your Honor, it's a hearsay  
5 exception. It's also not for the truth of the matter  
6 asserted.

5:21:01PM 7 THE COURT: Now we're sort of where I'm driving at.  
8 Just for the purpose of the information he then had.

5:21:06PM 9 MS. STEVENS: Just for that purpose.

5:21:07PM 10 THE COURT: Overruled.

5:21:08PM 11 MS. STEVENS: What his observation was at that  
12 moment.

5:21:10PM 13 THE COURT: Overruled.

5:21:11PM 14 A. Can you define which moment you're trying to --

5:21:15PM 15 BY MS. STEVENS:

5:21:15PM 16 Q. Do you recall him, as you all were putting your weapons  
17 away, making a statement about the demeanor of Dylann Roof?

5:21:25PM 18 A. Officer Buriss. Yes. Officer Burris made a comment, I'm  
19 trying to remember exactly, I think -- it may have been a  
20 comment that he was a kid.

5:21:41PM 21 Q. Okay. And at that point you all put your weapons away.

5:21:44PM 22 A. No, ma'am, we had already put our weapons away before  
23 then.

5:21:48PM 24 Q. Okay. Thank you, Sergeant Myers. And then toward the  
25 back of the black Hyundai you personally had the opportunity

## MICHAEL MYERS - DIRECT EXAMINATION

1 to speak with Dylann Roof?

5:21:56PM 2 A. I did.

5:21:57PM 3 Q. And you described getting to within two or three feet of  
4 him while you were talking?

5:22:02PM 5 A. At the back of the car when they first brought around from  
6 Officer Bernat, I was probably even closer at that point at  
7 points.

5:22:09PM 8 Q. And in your observation was he intoxicated or did he  
9 appear under the influence of anything?

5:22:14PM 10 A. Not that I'm aware of, no.

5:22:16PM 11 Q. What was your observation of him there at the two to  
12 three feet distance?

5:22:22PM 13 A. He didn't have any reaction at all.

5:22:25PM 14 Q. Was he speaking quietly or was he speaking loudly and  
15 excitedly there?

5:22:30PM 16 A. No.

5:22:31PM 17 Q. Was he quiet when he spoke to you?

5:22:34PM 18 A. I mean, he talked with a normal voice, which -- or what I  
19 believed to be a normal voice.

5:22:39PM 20 Q. Okay. And you asked him if he was Dylann Roof, right?

5:22:44PM 21 A. I first asked him if he was involved in the shooting  
22 incident in Charleston.

5:22:47PM 23 Q. Yes.

5:22:48PM 24 A. But then I did ask him if he had identification on him,  
25 which he stated he did in his pocket.

## MICHAEL MYERS - DIRECT EXAMINATION

5:22:53PM 1 Q. Okay. And when you first asked him if he was the shooter  
2 from Charleston, he told you yes, didn't he?

5:23:00PM 3 A. Yes, ma'am.

5:23:01PM 4 Q. And then you said you found his identification?

5:23:05PM 5 A. No, I didn't find it. Officer Hamrick removed it from his  
6 pocket after he said where it was, and Officer Hamrick handed  
7 it to him.

5:23:12PM 8 Q. Was there anything else removed from his pocket?

5:23:17PM 9 A. There -- I know his identification, he had identification,  
10 and then there was a movie ticket of -- attached to it, or not  
11 necessarily attached to it but stuck to it.

5:23:39PM 12 Q. Did you hear or did you talk with him about whether --  
13 well, I think you mentioned this already -- is there something  
14 in the car we need to know about?

5:23:47PM 15 A. Yes.

5:23:47PM 16 Q. That could involve our safety?

5:23:49PM 17 A. Yes.

5:23:49PM 18 Q. And what was his answer to that?

5:23:52PM 19 A. He told me that there was a gun in the car.

5:23:54PM 20 Q. Did he tell you where you would find the gun?

5:23:56PM 21 A. Yeah, because when he said the gun was in there, when I  
22 asked him, a gun, he said the gun's under a pillow in the back  
23 seat.

5:24:06PM 24 Q. Did you see the gun?

5:24:07PM 25 A. No.

## MICHAEL MYERS - DIRECT EXAMINATION

5:24:08PM 1 Q. So you weren't at the back passenger area when that  
2 happened.

5:24:10PM 3 A. No, I don't look like that.

5:24:13PM 4 Q. And what were the rest of your duties with regard to  
5 Dylann Roof specifically that afternoon or evening?

5:24:21PM 6 A. My responsibility is once he was in the car, actually put  
7 him in the car with Officer Hamrick, and I knew that he was on  
8 the way to the police department, I had conversations with our  
9 chief and several other people in our detective division, and  
10 I had no other contact with him at all through that whole  
11 process.

5:24:41PM 12 Q. We saw in the video as he was escorted to the back car and  
13 then searched, that he was wearing pants and they appeared to  
14 be pulled up? Do you recall that?

5:24:51PM 15 A. No, I can't remember if they were pulled up or -- I did  
16 notice that one of them, but I don't know if it was pulled up  
17 or if they were just short.

5:24:58PM 18 Q. I imagine in June 18th it's hot out? In Shelby in the  
19 summer?

5:25:03PM 20 A. Yeah, I mean, it was probably a warm day. I don't --

5:25:07PM 21 Q. Do you recall, Sergeant Myers, that he had two pair of  
22 pants on at the time he was patted down?

5:25:13PM 23 A. I never searched him, so I am not sure if he had two pairs  
24 on or not.

5:25:17PM 25 Q. Yes, sir.

5:25:18PM 1 MS. STEVENS: That's all, Your Honor, thank you.

5:25:21PM 2 THE COURT: Thank you, Sergeant, you may step down.

5:25:26PM 3 Ladies and gentlemen, I think we've reached that time when  
4 we're calling it a day is a good idea. I want to remind y'all  
5 again, a couple things, that just are very important to go  
6 home and this evening. No discussions with others. I'm to  
7 blame, y'all blame me, if anyone asks you. No exposure to  
8 media, don't watch the news, and no social media. And drive  
9 home safely, we'll see you at 9:30 tomorrow morning. Thank  
10 you.

5:26:03PM11 (Jury excused.)

5:26:34PM12 THE COURT: Mr. Richardson, do you have a forecast  
13 for tomorrow?

5:26:41PM14 MR. RICHARDSON: I can, Your Honor. The morning will  
15 finish with the Shelby arrest, there are two additional  
16 witnesses.

5:26:48PM17 THE COURT: I was aware there were probably more  
18 Shelby, and I was worried about it, Mr. Bruck had asked to  
19 meet with his client, I didn't want to keep him late.

5:26:59PM20 MR. RICHARDSON: They're going to be here tonight  
21 regardless, Your Honor, if we finished them, they would still  
22 be here, so that's not at all an imposition with them. And I  
23 need -- one additional witness will be coming down from Shelby  
24 tonight, so we were going to have Shelby witnesses tomorrow  
25 morning in any event, the better part of the morning. Then

1 following that, I anticipate would be the testimony regarding  
2 the confession, Special Agent Stansbury will testify. That is  
3 a very long video.

5:27:28PM 4 THE COURT: How long? Are you going to play the  
5 entire video?

5:27:32PM 6 MR. RICHARDSON: We will play the entire video, yes,  
7 Your Honor.

5:27:34PM 8 THE COURT: How long does that run? I watched it  
9 once, but I can't remember how long.

5:27:38PM 10 MR. RICHARDSON: It's almost, if you just played it  
11 straight through, it's almost two hours. It's not quite two  
12 hours. And we're not going to play it straight through, but  
13 it's -- you know, it's going to be probably, I would estimate  
14 at least three hours in order to introduce that issue, walk  
15 through that and fully explain. That's obviously an important  
16 piece of the story here.

5:28:00PM 17 THE COURT: Obviously, yes. Okay.

5:28:01PM 18 MR. RICHARDSON: I think that's probably a good three  
19 hours, that probably takes us through lunchtime.

5:28:06PM 20 THE COURT: Okay.

5:28:07PM 21 MR. RICHARDSON: And then the afternoon, Your Honor,  
22 I anticipate we would start off with Brittany Burke again, she  
23 processed the vehicle that we've been seeing in these  
24 photographs. Depending on how long Miss Burke goes, we would  
25 then just fill in the rest of that afternoon, to the extent --

1 I don't know how much time we're going to have, we will look  
2 at sort of locations of witnesses to try to bring people in.  
3 I anticipate we probably won't get much past Miss Burke  
4 tomorrow afternoon. We'll have some additional witnesses that  
5 are here staged, if we need to get to them, but it's hard for  
6 me to say exactly who they're going to be until we get  
7 downstairs and figure out who is in town. We can't bring  
8 people in for Friday afternoon and have them stay.

5:28:57PM 9 THE COURT: I just don't want to waste my jury's  
10 time.

5:29:00PM 11 MR. RICHARDSON: We will not do that, Your Honor, I'm  
12 just not anticipating who they are. We have several witnesses  
13 who are in the Columbia or Charleston area that we can bring  
14 in for that purpose, Your Honor.

5:29:09PM 15 THE COURT: Okay. Any other matters to come before  
16 the Court from the Government?

5:29:13PM 17 MR. RICHARDSON: Nothing from the -- just beg the  
18 Court's indulgence, Your Honor.

5:29:21PM 19 Your Honor, if we could, after we break for the court, if  
20 Mr. Bruck and I could meet with one of your staff to discuss  
21 the exhibits today, obviously a number of those exhibits  
22 included information we think is covered by the Court's order  
23 with respect to posting, if we could have that time with  
24 counsel to discuss that and ensure we're on the same --

5:29:40PM 25 THE COURT: My clerks will meet with you and make

1 sure we have that straight. Mr. Bryant will work with you on  
2 that.

5:29:47PM 3 MR. RICHARDSON: Thank you. Nothing else from  
4 Government, Your Honor.

5:29:49PM 5 THE COURT: Any from the defense?

5:29:50PM 6 MR. BRUCK: Nothing from the defense, Your Honor.

5:29:52PM 7 THE COURT: Very good.

5:29:52PM 8

5:29:53PM 9 (Court adjourned at 5:30 p.m.)

5:29:58PM10

5:29:58PM11

5:29:58PM12

5:29:58PM13

5:29:58PM14

5:29:58PM15

5:29:58PM16

5:29:58PM17

5:29:58PM18

5:29:58PM19

5:29:58PM20

5:29:58PM21

5:29:59PM22

5:29:59PM23

5:29:59PM24

5:29:59PM25



5:29:59PM 1

5:29:59PM 2

5:29:59PM 3

5:29:59PM

5:29:59PM 4

5:29:59PM

5:29:59PM 5

5:29:59PM

5:29:59PM 6

5:29:59PM

5:29:59PM 7

5:29:59PM

5:29:59PM 8

5:29:59PM

5:29:59PM 9

5:29:59PM

5:29:59PM10

5:29:59PM

5:29:59PM11

5:29:59PM

5:29:59PM12

5:29:59PM

5:29:59PM13

5:29:59PM

5:29:59PM14

REPORTER'S CERTIFICATION

I, Debra L. Potocki, RMR, RDR, CRR, Official Court  
Reporter for the United States District Court for the District  
of South Carolina, hereby certify that the foregoing is a true  
and correct transcript of the stenographically recorded above  
proceedings.

S/Debra L. Potocki

Debra L. Potocki, RMR, RDR, CRR

15

16

17

18

19

20

21

22

23

24

25